



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 12468 OF 2022 (S-RES)

BETWEEN:

RAJASHEKARAIHA R C
AGE 43 YEARS
S/O CHANNABASAVANNA
@ CHANNABASAVAIHA, BILL COLLECTOR
RANGAPURA VILLAGE, TIPTUR TALUK
TUMKUR DIST-572201.

...PETITIONER

(BY SRI. VEDA MURTHY M V., ADVOCATE)

AND:

1. THE PRINCIPAL SECRETARY
RURAL DEVELOPMENT AND PANCHAYAT RAJ
3RD FLOOR, VIKAS SOUDHA
BANGALORE-560001.
2. THE CHIEF EXECUTIVE OFFICER
TUMKUR ZILLA PANCHAYAT
TUMKUR-572201.
3. THE EXECUTIVE OFFICER
TIPTUR TALUK PANCHAYAT
TUMKUR DISTRICT-572201.
4. THE PRESIDENT
RANGAPURA GRAM PANCHAYAT
TIPTUR TALUK, TUMKUR DISTRICT-572201.

Digitally signed by
MALATHI
CHALUVA
IYENGAR
Location: HIGH
COURT OF
KARNATAKA



5. PANCHAYAT DEVELOPMENT OFFICER
RANGAPURA GRAM PANCHAYAT
TIPTUR TALUK, TUMKUR DISTRICT-572201

...RESPONDENTS

(BY SMT. ANITHA N, AGA FOR R1:
SMT. SHUBHA S, ADVOCATE FOR R2 & R3:
R4 IS SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OR ORDER IN THE NATURE OF CERTIORARI AND SET ASIDE THE RANGAPURA GRAM PANCHAYAT RESOLUTION/DECISION DATED 05.05.2017 AND CONFIRMATION OF THE SAME DATED: 18.07.2018 PASSED BY THE R5 WHICH ARE AT ANNEXURES-N, N1 AND THE ORDER DTD.19.6.2018 PASSED BY R-2 WHICH IS AT IN ಸಂ. ತು ಜಿ.ಪಂ/ಗ್ರಾ.ಪಂ./ಸಿ(1)/ವಿವ/93/2017-18 ANNEXURE-Q RESPECTIVELY BY ALLOWING THE WRIT PETITION AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed under Articles 226 & 227 of the Constitution of India, seeking the following reliefs:

"a) To issue a writ or order in the nature of certiorari and set aside the Rangapura Gram Panchayat resolution/decision dated 05.05.2017 and confirmation of the same dated 18.07.2018 passed by the respondent No.5 which are at Annexures N, N1 and the order dated 19.06.2018



passed by the respondent No.2 in ಸಂ. ತು. ಜಿ. ಪಂ/ ಗ್ರಾ. ಪಂ./ಸಿ(1)/ಎವ/93/2017-18 which is at Annexure-Q respectively by allowing the writ petition as it is necessary in the interest of equity and justice.

b) Issue a writ or order in the nature of mandamus directing the respondent Nos. 2 to 4 to allow the petitioner to work as Bill Collector in the Rangapura Gram Panchayat.

c) Issue a writ or order in the nature of mandamus directing the respondents 2 to 4 to count the period of suspension and the period of dismissal from 05.05.2017 till date for the purpose of seniority and other consequential benefits.”

2. The case of the petitioner is that he was appointed as a Bill Collector in the fifth respondent-Grama Panchayat on a commission basis. By order dated 08.06.2015, vide Annexure-C, his appointment has been approved by the second respondent. While he was in service, the respondents passed a resolution dismissing the petitioner from service, vide Annexure-N dated 05.05.2017. Being aggrieved by the same, the petitioner filed an appeal before the Chief Executive Officer, Zilla Panchayat, under Section 113(4) of the Karnataka Panchayat Raj Act, 1993. The appellate



authority disposed of the appeal by directing the Grama Panchayat to take action against the petitioner in accordance with law. Being aggrieved by the same, the petitioner is before this Court.

3. The learned counsel for the petitioner raised the following contentions:

(i) Firstly, the Panchayat removed the petitioner from service without issuing any notice, and no enquiry was conducted. Therefore, the action of the respondents is in violation of the principles of natural justice and is contrary to Article 14 of the Constitution of India.

(ii) Secondly, although the appellate authority recorded a finding that the order was passed without issuing any notice, the operative portion of the order does not clearly indicate whether the resolution has been set aside or not. Therefore, he sought for allowing of the writ petition.

4. The learned counsel appearing for the respondent-Panchayat contended that the appointment of the petitioner



was approved by order dated 08.06.2015, vide Annexure-C, subject to the condition that he would be on probation for a period of one year. While the petitioner was on probation, a criminal case was filed against him and a charge sheet was filed for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code. Annexure-F is the charge sheet. Since a criminal case was filed against the petitioner while he was on probation, he was removed from service. Hence, dismissal of the writ petition was sought.

5. Heard the learned counsel for the parties and perused the writ petition papers.

6. It is not in dispute that the appointment of the petitioner as a Bill Collector in the fifth respondent-Grama Panchayat was approved by order dated 08.06.2015, vide Annexure-C. The appointment order was issued with a condition that he was appointed on probation for a period of one year. Paragraph No. 3 is extracted below:

“3) ಅನುಮೋದನೆ ನೀಡಲಾದ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ಸಿಬ್ಬಂದಿಗಳು ಒಂದು ವರ್ಷದ ಪರೀಕ್ಷಾರ್ಥ ಅವಧಿಯನ್ನು ಹೊಂದಿರುತ್ತಾರೆ. ಈ



ಅವಧಿಯಲ್ಲಿ ಅವರು ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯ ಸಿಬ್ಬಂದಿ ಹುದ್ದೆಗೆ ಅರ್ಹರೆಂದು
ಭಾವಿಸಿದ ನಂತರ ಅವರ ಸೇವೆಯನ್ನು ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯ ಹುದ್ದೆಗಳಲ್ಲಿ
ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ಲೋಕ ನೌಕರರೆಂದು ಖಾಯಂ ಗೊಳಿಸತಕ್ಕದ್ದು.”

7. The Panchayat passed a resolution removing the petitioner from service on the ground that a criminal case had been initiated against him and that a charge sheet had been filed for an offence punishable under Section 306 read with Section 34 of the Indian Penal Code. The resolution passed by the Panchayat dismissing the petitioner from service was challenged by the petitioner before the Chief Executive Officer, Zilla Panchayat, under Section 113(4) of the Karnataka Panchayat Raj Act, 1993. The appellate authority vide Annexure-Q dated 19.06.2018 recorded a clear finding that the termination order dated 05.05.2017, vide Annexure-N, was passed without issuing any notice to the petitioner and without following the procedure prescribed by law, and consequently remitted the matter to the Panchayat to take action in accordance with law.



8. So far, the Panchayat has not taken any action. It has neither reinstated the petitioner into service nor has initiated a fresh enquiry. From the date of termination, the petitioner has remained out of service.

9. In view of the above, the writ petition is disposed of, reserving liberty to the Panchayat to take action against the petitioner. If the Panchayat intends to take action against the petitioner, the respondents shall initiate proceedings, in accordance with law, within four weeks from the date of receipt of a certified copy of this order. If no action is taken within the said period of four weeks, the Panchayat is directed to reinstate the petitioner into service. The Panchayat is further directed to consider the matter afresh, without being influenced by the observations made in the course of this order.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

CM
List No.: 1 Sl No.: 37