



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 4928 OF 2018 (S-RES)

BETWEEN:

MISS. MANJULA K,
AGED ABOUT 31 YEARS,
DAUGHTER OF KAVALAPPA,
R/AT NEGALALA VILLAGE,
C.N.DURGA HOBLI,
KORATAGERE TALUK,
TUMAKURU DISTRICT - 571 138.

...PETITIONER

(BY SRI. CHANDRAIAH & SMT.GAYATHRI., ADVOCATES)

AND:

1. THE CHIEF EXECUTIVE OFFICER,
TUMAKURU ZILLA PANCHAYATH,
TUMAKURU DISTRICT.
2. KURAMKOTE GRAMA PANCHAYATH,
KURAMKOTE VILLAGE,
C.N.DURGA HOBLI,
KORATAGERE TALUK,
TUMAKURU DISTRICT - 571 138.
REPRESENTED BY ITS
PANCHAYATH DEVELOPMENT OFFICER.
3. GOVERNMENT OF KARNATAKA,
THE RURAL DEVELOPMENT AND

Digitally
signed by
SUNITHA K
S
Location:
HIGH
COURT OF
KARNATAKA





PANCHAYATH RAJ DEPARTMENT,
M.S.BUILDING, 3RD FLOOR,
NEAR 3RD GATE,
BENGALURU,
KARNATAKA - 560 001,
REPRESENTED BY ITS SECRETARY.

...RESPONDENTS

(BY SRI.A.NAGARAJAPPA, ADVOCATE FOR R1 AND R2;
R3 SERVED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 10.12.2017 IN DISPUTE NO.24/2-17-18 PASSED BY THE CHIEF EXECUTIVE OFFICER, TUMAKURU ZILLA PANCHAYATH, TUMKURU, THE RESPONDENT-2 I.E., ANNEXURE-A AND THE RESOLUTION DATED 06.01.2017 PASSED BY THE RESPONDENT-2 AND 3, I.E., ANNEXURE-B 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 ASHOK S.KINAGI

ORAL ORDER

1. The petitioner filed this writ petition seeking the following reliefs:

- i) *The Hon'ble Court may kindly quash the order dated 10.12.2017 in Dispute*



No.24/2017-18 passed by the chief executive officer, Tumkuru Zillah Panchayath, Tumkuru, the respondent No.1 i.e., Annexure-A and the resolution dated 06.01.2017 passed by the respondent No.2 i.e., Annexure-B.

ii) Consequently kindly issue writ/order/direction to the respondent No.2 to reinstate the petitioner to the post of computer operator cum clerk in the office of the Kuramkote Grama Panchayath, and to make payment of her back wages.

2. Brief facts, leading rise to the filing of this writ petition are as follows:

3. The petitioner was serving in the office of respondent No.2. Respondent No.2 has appointed the petitioner as a Computer Operator cum clerk vide resolution dated 06.11.2008. The office of respondent No.2 being satisfied by the performance of the petitioner has recommended by addressing a letter dated 20.11.2014 to the Taluk Executive Officer of Taluk Panchayath, Koratagere, for confirmation and regularization of



service. At the instance of some persons, respondent No.2 issued notice dated 26.10.2016 to the petitioner about her work. The petitioner replied to the said show cause notice. The President of respondent No.2 passed the resolution to remove the petitioner from service. The petitioner aggrieved by the resolution dated 06.01.2017, preferred an appeal before the respondent No.1. The respondent No.1 dismissed the appeal filed by the petitioner. The petitioner aggrieved by the order passed by respondent No.1 vide Annexure-A and order passed vide Annexure-B by respondent No.2, filed this writ petition.

4. Respondents No.1 and 2 filed statement of objections contending that the appeal preferred by the petitioner was dismissed by respondent No.1. It is contended that the petitioner was not performing her functions effectively in delivering her duties, a resolution has been passed to discharge the petitioner from service. The action of respondent No.2 in discharging the



petitioner is legal. Hence, on these grounds, prays to dismiss the writ petition.

5. Heard the arguments of the learned counsel for the petitioner, and the learned counsel for respondents No.1 and 2.

6. Learned counsel for the petitioner submits that the respondent No.2 passed a resolution and no enquiry was held. He submits that the impugned order passed by respondent No.2 is in violation of principles of natural justice and to buttress her argument she has placed reliance on the judgment of the Hon'ble Apex Court in the case of **MANEKA GANDHI VS. UNION OF INDIA**¹. Hence, on these grounds, she prays to allow the writ petition.

7. *Per contra*, learned counsel for the respondents supported the impugned orders and contended that the petitioner was not up to the mark. Hence, respondent

¹ 1978 (2) SCR 621



No.2 has passed a resolution to discharge the petitioner from service. Hence, on these grounds, prays to dismiss the writ petition.

8. Perused the records, and considered the submissions of the learned counsel for the parties.

9. It is an undisputed fact that the petitioner was working in the office of respondent No. 2 and the service of the petitioner was not regularized. Respondent No.2 passed a resolution to discharge the petitioner from service without providing an opportunity to the petitioner. The said resolution is contrary to the mandate laid down by the Hon'ble Apex Court in the case of **MANEKA GANDHI Vs. UNION OF INDIA** reported in **1978 (2) SCR 621**, (referred supra), wherein the Hon'ble Apex Court has held that substantive and procedural laws and action taken under them will have to pass the test under Article 14. The test of reason and justice cannot be abstract. They cannot be divorced from the needs of nation. The tests have to be pragmatic otherwise they



would cease to be reasonable. The procedure prescribed must be just, fair and reasonable even though there is no specific provision to be taken against an individual, which affects the right of that individual. The duty to give reasonable opportunity to be heard will be implied from the nature of the function to be performed by the authority. It is thereby conclusively held by the Hon'ble Apex Court that the principles of natural justice are part of Article 14 and procedure prescribed by law must be just, fair and reasonable.

10. The power to terminate the service of the petitioner, involves civil consequence and therefore, the procedure contemplated ought to have been followed. The nature and extent of adhering to the principles of natural justice depends upon the facts and circumstances, but at the same time, it is also well accepted that the principles of law that principles of natural justice can be read into a provision, unless applicability of such principles of natural justice is expressly or impliedly



excluded. The learned counsel appearing for respondent could not point the applicability of principles of natural justice which is expressly or impliedly excluded.

11. In view of the above discussion, I consider that the impugned order passed by respondent No.2 is unsustainable in the eye of law and non-compliance of violation of principles of natural justice. The said aspect was not considered by respondent No.1 and confirmed the order passed by respondent No.2.

12. In view of the above discussion, I proceed to pass the following order:

ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned orders vide Annexures A and B are hereby quashed.



iii. Liberty is reserved to respondent No.2 to initiate appropriate action against the petitioner following the procedure as contemplated under Section 113 of the Karnataka Gram Swaraj and Panchayath Raj Act, 1993 and meanwhile the respondent No.2 is directed to reinstate the petitioner as well as the back wages concerned that shall be subject to the outcome of the inquiry.

iv. Pending interlocutory application/s, if any, stands disposed of accordingly.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**