



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF FEBRUARY, 2026

BEFORE

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

WRIT PETITION NO. 17277 OF 2024 (S-RES)

BETWEEN:

SHIVASHANKAR MATHIHALLI
S/O LATE BASAVANNEPPA
AGED ABOUT 43 YEARS
R/AT HEGGERE, 2ND CROSS
NEW RAILWAY STATION
TUMKURU DISTRICT 572107.

...PETITIONER

(BY SRI. LOKESH B., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY CHIEF SECRETARY
VIDHANA SOUDHA
BANGALORE 560001.

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

2. THE DIRECTOR
KARNATAKA STATE LIVLI HOOD
PROMOTION SOCIETY
NO 4, 2ND FLOOR AND 3RD FLOOR
MYSUGER BUILDING
OPP. RAVINDRA KALAKSHETRA
J C ROAD, BANGALORE-560002.

3. CHIEF EXECUTIVE OFFICER
ZILLA PANCHAYATH
TUMKURU DISTRICT-572101.

4. EXECUTIVE OFFICER
TALUK PANCHAYATH



CHIKKANAYAKANAHALLI TALUK
TUMKURU DISTRICT-572214.

5. AMRUTHA BINDU SANJEEVINI
GRAMA PANCHAYATH LEVEL FEDERATION
REP. BY ITS PRESIDENT AND SECRETARY
MATHIGAHATTA VILLAGE PANCHAYATH
CHIKKANAYAKANAHALLI TALU
TUMKURU DISTRICT-572119.

...RESPONDENTS

(BY SRI.RAMESH NAIK G, AGA FOR R1 & R2:
SRI. A NAGARAJAPPA, ADVOCATE FOR R3 & R4:
R5 IS SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET
ASIDE THE OM/ORDER NO. TZP/NRLM-SANJEEVINI/
COMPLAINT/2023-24 DATED: 16.04.2024 (26-02-2024)
PASSED BY THE R-2 AT ANNEXURE-A 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 and 227
of the Constitution of India. The petitioner restricts his
prayer to prayer (a) and does not press prayer (b).

2. The petitioner has called in question the order
dated 16.04.2024 vide Annexure-A, whereby he has been



relieved from service and a direction has been issued to recover Rs.20,160/- with interest from him.

3. The petitioner was appointed as a Taluk Program Manager under the NRLM Scheme on a contract basis. One Smt.Leelavati, President, and Smt.Vinutha, Resource Person of the Amruth Bindu Sanjeevini Grama Panchayat Level Federation, made a complaint against the Main Book Keeper, Smt. Pankaja, alleging misuse of Government funds of the Federation. An enquiry was conducted against Smt.Pankaja. In her statement, she made certain references against the petitioner. Therefore, the Chief Executive Officer, Zilla Panchayath (respondent No.3), issued two show cause notices to the petitioner vide Annexures-G and G1 dated 16.10.2023 and 26.10.2023, seeking his explanation for initiating action against him. Pursuant thereto, the petitioner submitted a detailed reply dated 25.10.2023 vide Annexure-H. Thereafter, the impugned order vide Annexure-A came to be passed.



4. The learned counsel for the petitioner submits that in the impugned order dated 16.04.2024, there is no reference to the reply submitted by the petitioner. Without considering the reply submitted by the petitioner, the impugned order dated 16.04.2024 has been passed. The impugned order has been passed without application of mind and without considering the reply submitted by the petitioner. The same is in violation of the principles of natural justice.

5. The learned counsel appearing for respondent Nos. 3 and 4 submits that the petitioner is already out of service and, in his place, another person has been appointed. He further submits that the impugned order was passed after providing an opportunity to the petitioner. Hence, he seeks dismissal of the writ petition.

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



7. It is not in dispute that the petitioner was appointed as a Taluk Program Manager under the NRLM Scheme. Respondent No.3 initiated an enquiry against the petitioner and issued two show cause notices vide Annexures-G and G1, pursuant to which the petitioner submitted a detailed reply. However, respondent No.3 has not considered the reply submitted by the petitioner, and no opportunity of personal hearing has been given to him. The impugned order is not a speaking order. On this short ground, the writ petition deserves to be allowed. Hence, the same is liable to be quashed.

8. Accordingly, the following order:

- (i) The writ petition stands disposed of.
- (ii) The order dated 16.04.2024 passed by the third respondent Vide Annexure-A is quashed reserving liberty to the respondents to conduct an enquiry afresh in accordance with law, within four weeks from the date of receipt of a copy of this order.



- (iii) It is made clear that since the petitioner is already out of service from 16.04.2024, the question of re-instating the petitioner would not arise.
- (iv) In case, if the enquiry is not initiated within four weeks from the date of receipt of a copy of this order, the third respondent is directed to reinstate the petitioner into the service.

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

CM
LIST NO.: 1 SL NO.: 42