



CNR: KAHC010366222026

NC: 2026:KHC:37287
WP No. 16454 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 16454 OF 2026 (S-RES)

BETWEEN:

SRI KUMAR NAIK A
S/O HUNNY NAIK A
AGED ABOUT 42 YEARS,
PRESENTLY WORKING AS HEAD MASTER
SHREE MARUTHI GRAMANTHARA HIGH SCHOOL
ANABURU VILLAGE,
JAGALUR TALUK,
DAVANGERE DISTRICT-577528

...PETITIONER

(BY SRI. PRITHVEESH M K., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF SCHOOL EDUCATION AND
LITERACY, VIKASA SOUDHA,
BENGALURU-560001
2. THE COMMISSIONER
DEPARTMENT OF SCHOOL EDUCATION,
NRUPATHUNGA ROAD,
BENAGLURU-560001
3. THE DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS,
DEPARTMENT OF SCHOOL EDUCATION,
DAVANGERE DISTRICT-577002

Digitally signed
by KIRAN
KUMAR
Location: HIGH
COURT OF
KARNATAKA



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4. THE BLOCK EDUCATION OFFICER,
JAGALUR TALUK,
DAVANGERE DISTRICT-577528.
5. THE SECRETARY
GNANAVIKAS EDUCATION CENTRE (R),
JAGALUR TALUK,
DAVANGERE DISTRICT-577528

...RESPONDENTS

(BY SRI. G RAMESH NAIK, AGA FOR R1 TO R4
SRI. H R SHOWRI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO (I) CALL FOR THE RECORDS, (II) ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI QUASHING THE ORDER OF SUSPENSION DATED 22/05/2026 BEARING NO.GNA.V.E.SA.DOORU/2/2025-26 PASSED BY THE 5TH RESPONDENT AT ANNEXURE - A. (III) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION DIRECTING THE RESPONDENTS TO PERMIT THE PETITIONER TO DISCHARGE HIS DUTIES AS HEAD MASTER WITH CONTINUITY OF SERVICE AND ALL CONSEQUENTIAL BENEFITS, IN THE INTEREST OF JUSTICE AND EQUITY. (IV) TO PASS SUCH OTHER ORDER AS THIS HON'BLE TRIBUNAL DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI



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ORAL ORDER

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

"(i) call for the records;

(ii) issue a writ, order or direction in the nature of certiorari quashing the order of suspension dated 22/05/2026 bearing No.Gna.V.E.Sa.Dooru/2/2025-26 passed by the 5th respondent at Annexure - A.

(iii) issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to permit the petitioner to discharge his duties as head master with continuity of service and all consequential benefits, in the interest of justice and equity.

(iv) to pass such other order as this Hon'ble Tribunal deems fit in the facts and circumstances of the case."

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



3. The petitioner was appointed as an Assistant Teacher in English in Shree Maruthi Gramanthara High School, Anaburu, Jagalur Taluk, Davanagere District on 14.08.2009 and after successful completion of his probationary period, the petitioner was promoted as a Headmaster of the said school. A show-cause notice was issued by respondent No.4 on 28.08.2025 to the petitioner regarding non-appointment of teachers and complaints from the villagers. A show cause notice was issued on 22.09.2025 by respondent No.5 calling upon the petitioner to explain regarding 14 allegations of misconduct against him. The petitioner submitted a detailed reply to both the show cause notices denying all the allegations and requested the respondents to drop the proceedings.
4. A second memorandum was issued to the petitioner regarding non-submission of service book despite the petitioner denying of any such lapses. Respondent



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No.5 passed an order of suspension vide Order dated 22.05.2026 placing the petitioner under suspension. The petitioner aggrieved by the same, has filed this writ petition.

5. Respondent No.5 filed a statement of objections denying the contentions made by the petitioner and contended that respondent No.5 has received several complaints from the villagers against the petitioner and on the basis of the complaint, respondent No.5 has issued a show cause notice and the petitioner has replied to the show-cause notice. He submits that respondent No.5 is likely to hold an enquiry against a petitioner and as such, it has passed the impugned order of suspension. The order of suspension passed by respondent No.5 is in accordance with the Rules and hence, on these grounds, he prays to dismiss the writ petition.



6. Heard the learned counsel for the petitioner; learned counsel for respondent No.5 and learned Additional Government Advocate for the respondent-State.
7. Learned counsel for the petitioner, referring to Rule 16 of *the Karnataka Educational Institutions (Recruitment, Appointment and Conditions of Service of Employees in Private Aided Primary and Secondary Educational Institutions) Rules, 1999*, (for short, **"the Rules of 1999"**) submits that the order of suspension can be passed only under the circumstances (i) if any departmental inquiry is pending; (ii) if a criminal case is filed; and (iii) A preliminary inquiry shows *prima facie* case against the employee. Under these circumstances, an order of suspension can be passed.
8. He submits that admittedly, in the instant case, no preliminary enquiry was held, nor any criminal case was registered, nor a departmental enquiry is



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pending against the petitioner. The impugned order of suspension passed by respondent No.5 is in violation of Rule 16 of the Rules of 1999. Hence, on these grounds, he prays to allow the writ petition.

9. *Per contra*, learned counsel for respondent No.5 submits that liberty be reserved to respondent No.5 to pass a fresh order in terms of Rule 16 of the Rules of 1999 and prays to dispose of the writ petition accordingly.
10. Perused the records and considered the submissions of the learned counsel for the parties.
11. It is an undisputed fact that the petitioner is working in respondent No.5-Institution. Admittedly, no preliminary enquiry was held, he is not involved in any criminal case and no departmental enquiry is pending against the petitioner. Respondent No.5 has passed the impugned order placing the petitioner under suspension.



12. In order to consider the case on hand, it is necessary to examine Rule 16 of the Rules of 1999, which reads as follows:

"16. Suspension: (1) The appointing authority may place an employee under suspension under the following circumstances and conditions:-

(a)(i) a disciplinary proceeding against an employee is pending; or

(ii) a case against an employee in respect of any criminal offence is under investigation or court trial; or

(iii) a preliminary inquiry against an employee has made out a "prima facie" case which would justify disciplinary proceeding or criminal prosecution against him and the proceedings are likely to end in his conviction and or dismissal or removal from service; and

(b) the disciplinary proceeding or criminal offences involves one or more of the following misdemeanour:-

(i) moral turpitude;



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- (ii) corruption, embezzlement or misappropriation;
- (iii) negligence and dereliction of duty resulting in considerable pecuniary loss to the institution;
- (iv) desertion of duty;
- (v) refusal or deliberate failure to carry out written orders of superior authority: Competent Authority.
- (vi) Sexual harassment of women employees in working places.

Explanation:- "Sexual harassment" includes such unwelcome sexually determined (whether directly or by implication) behaviour as:-

- (a) Physical contact and advances;
- (b) A demand or request for sexual favours;
- (c) Sexually coloured remarks;
- (d) Showing pornography; or
- (e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.



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(2) Any employee shall be deemed to have been placed under suspension by an order of the appointing authority:

(a) with effect from the date of his detention, if he is detained in custody whether on criminal charge or otherwise, for a period exceeding forty-eight hours;

(b) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

(3) Where a penalty of dismissal or removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or compulsory retirement and shall remain in force until further orders.



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(4) Where a penalty of dismissal or removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority on a consideration of the circumstances of the case, decides to hold further inquiry against him on the allegations on which the penalty of dismissal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal or removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary



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proceeding or otherwise) any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made on or is deemed to have made the order or by any authority to which that authority is subordinate."

13. From a bare reading of Rule 16, it discloses that an order of suspension can be passed, provided if the employee is involved in any criminal case or any departmental inquiry is pending or a *prima facie* case is made out against the petitioner on the basis of a preliminary inquiry.



14. Admittedly, in the instant case, none of the requirements are fulfilled before passing the impugned order of suspension. As such, the impugned order passed by respondent No.5 is in violation of Rule 16 of Rules of 1999. Hence, the impugned order is liable to be set aside.
15. In view of the above discussion, I proceed to pass the following order:

ORDER

- (i) The writ petition is ***allowed***.
- (ii) The impugned order of suspension dated 22.05.2026, vide Annexure-A passed by respondent No.5 is hereby ***quashed***.
- (iii) Respondents are directed to permit the petitioner to discharge his duties as Headmaster with continuity of service and all consequential benefits.



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- (iv) Liberty is reserved to respondent No.5 to take appropriate action in accordance with the Rules of 1999, if so desired.
- (v) In view of the disposal of the petition, pending interlocutory applications, if any, do not survive for consideration and are accordingly disposed of.

Sd/-
(ASHOK S.KINAGI)
JUDGE

RK
List No.: 1 Sl No.: 23