



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 3RD DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE ASHOK S.KINAGI
WRIT PETITION NO. 16539 OF 2026 (S-RES)

BETWEEN:

SRI. K.G. AMARANATH
S/O. LATE T. GOVINDAPPA,
AGED ABOUT 57 YEARS,
PRESENTLY WORKING AS A CHIEF OFFICER,
GRADE-II, BASHETTIHALLI TOWN
PANCHAYATH, BASHETTIHALLI,
DODDABALLAPURA TALUK - 561 203.
RESIDING AT NO.80,
6TH CROSS, ARUNACHALAM LAYOUT,
PAPAREDDY PALYA, NAGARABHAVI,
BENGALURU - 560 072.

...PETITIONER

(BY SRI. NARASIMHARAJU, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF URBAN DEVELOPMENT,
VIKASA SOUDHA, BANGALORE - 560 001.
2. THE DIRECTOR,
DIRECTORATE OF MUNICIPAL ADMINISTRATION,
V.V. GOPURA, BENGALURU - 560 001.
3. SRI. RAVINDRA B.J,
S/O. NOT KNOWN,
AGED ABOUT 50 YEARS,

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





PRESENTLY WORKING AS A CHIEF OFFICER,
KAIWARA TOWN MUNICIPAL PANCHAYATH,
KOLAR DISTRICT - 563 128.

...RESPONDENTS

(BY SRI. G. RAMESH NAIK, AGA FOR R1 AND R2;
SRI. VIJAY KUMAR, ADVOCATE FOR C/R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE WRIT OF
CERTIORARI BY QUASHING THE IMPUGNED ORDER OF
TRANSFER DATED 30-05-2026 BEARING NO.2159019/
DMA/EST2/TRF/2/2026 PASSED BY THE 2ND RESPONDENT AS
PER ANNEXURE-A AND ETC.,

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

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

ORAL ORDER

The petitioner filed this petition seeking the following
relief:

- a) *Issue Writ of CERTIORARI by quashing the impugned Order of transfer dated 30-05-2026 bearing No.2159019/DMA/EST2/TRF/2/2026 passed by the 2nd Respondent as per ANNEXURE-A.*
- b) *Grant such other relief as this Hon'ble Court deems fit to grant under the circumstance of the case in the interest of justice and equity.*



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

Respondent No. 3 is a Grade-I Officer, was posted to the post of Chief Officer, Grade-I, Kaiwara Pattana Panchayath by virtue of a Notification dated 09.03.2026. The petitioner was transferred to Pattana Panchayath, Bashettihalli, Doddballapura Taluk to the post of Chief Officer, Grade-II on 13.05.2026. The petitioner made a request to the Deputy Commissioner to change the login for census 2026, since it was in the login of earlier Chief Officer vide representation dated 25.05.2026. The second respondent has passed an impugned order of transfer dated 30.05.2026. The petitioner contended that the impugned order passed by the second respondent is a premature, is in violation of transfer guidelines and is against the transfer guidelines and is an incompetent authority. Hence, on these grounds he prays to allow the Writ Petition.



3. Respondent No. 3 filed statement of objections denying the allegations made in the memorandum of Writ Petition and contended that the petitioner has filed this Petition on 04.06.2026 falsely claiming that he continued to work in the present place as a Chief Officer, Bashettihally Town Municipal Council, Doddaballapura Taluk. In reality, respondent No. 3 had already taken the charge of the post of Chief Officer of Bashettihally Town Municipal Council on 03.06.2026 itself, that is prior to the filing of Writ Petition. Respondent No. 3 has produced the records to show that he has assumed the charge of the post on 03.06.2026.

4. It is also contented that the petitioner belongs to the cadre of Group -C - Senior Health Inspector post. He has posted to Bashettihally in his own pay scale temporarily and is not a Karnataka Municipal Administrative Service cadre officer. A non-cadre Official has absolutely no legal or vested right to occupy a statutory cadre post, once qualified cadre Officer is



appointed. Respondent No. 3 is the regular holder of the post of Chief Officer and he is a Karnataka Municipal Administrative Service (KMAS for short) Officer. It is contented that as per the General Transfer Guidelines dated 25.06.2024, protected the petitioner's tenure of 2 years is wholly untenable under law and it is contented that respondent No. 3 is a Grade-I Officer and hence, incompetent to hold Grade -II post at Bashettihally is a gross misinterpretation of administrative rules. It is contented that Section 327 of the Karnataka Municipalities Act explicitly mandates that every Municipal Council/Town Panchayat shall have a Chief Officer appointed among the persons in the cadre of Karnataka Municipal Administrative Service. Hence, prays to dismiss the petition.

5. Heard the learned counsel for the petitioner and learned counsel for respondent No. 3.

6. Learned counsel for the petitioner submitted that the impugned order of transfer is premature and



issued by the incompetent authority. The impugned transfer order is in violation of Transfer Guidelines. He also submits that the order of transfer is without assigning any reason. To buttress his argument, he has placed a reliance on the order of the Division Bench in the case of **Smt. P. V. Poornima Vs. State of Karnataka and others** in **WP No. 2661/2020** disposed of on 29.07.2020. Hence, on this ground he prays to allow the writ petition.

7. *Per Contra* learned counsel for respondent No. 3 submits that the petitioner is not competent to hold the post of Chief Officer. The petitioner's posting to the post of Chief Officer was only an interim measure. The petitioner has no vested right to continue in the post of the Chief Officer, Pattana Panchayath. He also placed reliance on the order passed by this Court in the case of **Sri. Shashidar Channappa Kagawad Vs. The State of Karnataka** in **W.P.No.146931/2020** disposed of on **04.12.2020**. He submits that the issue involved in this case is squarely



covered by the order passed by this Court. Hence, on these grounds, he prays to dismiss the writ petition.

8. Learned Government advocate submits that the transfer order is in the interest of public at large and it is for administrative reasons. Hence, on this ground he prays to dismiss the petition.

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

10. The petitioner was appointed as a Senior Health Officer whereas, respondent No. 3 was appointed in the cadre of Chief Officer Grade-I. The petitioner in this Writ Petition has challenged the order of transfer. The transfer is not a conditioned service. The transfer is only an incident of the service. As such, as a matter of right the petitioner cannot challenge the order of transfer. The transfer order could be challenged when it is made in violation of statutory guidelines or on the ground of malafide. As per Section 365 of the Karnataka Municipal



Corporation Act, 1976 provides an appointment of an Officer to the local authority or municipality, an officer belonging to the KMAS. The petitioner does not belong to an Officer of grade of KMAS. On the contrary, respondent no. 3 is an officer of KMAS. This Court had an occasion to consider the identical facts in the case of **Sri. Shashidar Channappa Kagawad** (*supra*) wherein this Court, relying upon the judgment passed by the Co-ordinate Bench in **WP No. 34611/2017**, disposed of 03.08.2017 has held as follows:

16. The Co-ordinate Bench of this Nos. in an identical circumstance in W.P.No.34611/2017, disposed of on 03.08.2017 at paragraph Nos.9 and 10 has held as follows:

"10. A bare perusal of Section 365(1) of the Act, clearly reveals that the provision begins with a non-obstante clause, "Notwithstanding anything contained in this Act, or in any other law for the time being in force". The said provision also imposes a legal duty on the Government to appoint the Officers to the local authorities from the



persons belonging to the KMAS. Once a mandatory, and legal duty has been imposed upon the State , the State is required to fulfill the same . therefore , in the light of Section 365(1) of the Act , the Transfer Policy cannot stand in the way.

10. Admittedly , the petitioner belong to a non-KMAS cadre, whereas , the respondent No.4 does belong to the KMAS cadre. Therefore, the State is justified in replacing the petitioner with the respondent No.4."

and also in W.P.No.8534/2020 disposed of on 25.09.2020 has held that the appointment of Officer to the local authorities or municipality should be an officer belonging to Karnataka Municipal Administrative Services."

11. In the present case, as observed above, the petitioner is not a KMAS Officer. The petitioner is in the cadre of Senior Health Inspector and the respondent No.3 is qualified to be the Chief Officer of the local authority or



municipality. The order by which the petitioner was posted as a Chief Officer makes it clear that when the non-KMAS officer is posted to work as an Officer, the transfer guidelines would not be applicable. Considering the order passed by this Court in the case of ***Sri Shashidara***, referred supra, I do not find any grounds to entertain the Writ Petition.

12. Accordingly, I proceed to pass the following:

ORDER

The Writ Petition is ***dismissed***.

Pending I.A.s do not survive for consideration.

Sd/-
(ASHOK S.KINAGI)
JUDGE