



CNR: KAHC010396152025

NC: 2026:KHC:36309-DB
CCC No. 732 of 2025
C/W WA No. 1603 of 2025

R

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

CIVIL CONTEMPT PETITION NO. 732 OF 2025

C/W

WRIT APPEAL NO. 1603 OF 2025 (S-DIS)

IN CCC No. 732/2025

BETWEEN:

RANI S.,
D/O SHIVARAJU C.,
AGED ABOUT 31 YEARS,
RURAL MULTI-PURPOSE HIGH SCHOOL,
RURAL EDUCATION SOCIETY,
KANAKAPURA.
R/AT KALLUKERE DODDI VILLAGE,
T. BEKUPPE POST,
KASABA HOBLI,
KANAKAPURA TALUK,
RAMANAGARA DISTRICT - 562 117.

...COMPLAINANT

(BY SRI. SATHEESH N KOTTALAGI, ADVOCATE FOR
SRI. SRIKANTH M P., ADVOCATE)

AND:

1. TRILOKACHANDRA K.V,
IAS, COMMISSIONER,
PUBLIC INSTRUCTIONS,



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NEW PUBLIC OFFICES,
NRUPATHUNGA ROAD,
K.R. CIRCLE,
BANGALORE - 560 001.

2. KRISHNJI S KARICHANNAVAR,
DIRECTOR,
PUBLIC INSTRUCTIONS,
SECONDARY EDUCATION,
NEW PUBLIC OFFICES,
NRUPATHUNGA ROAD,
K.R.CIRCLE,
BANGALORE - 560 001.
3. BASAVARAJEGOWDA,
DEPUTY DIRECTOR,
PUBLIC INSTRUCTIONS,
RAMANGARA DISTRICT,
RAMANAGARA - 562 159.
4. THE STATE OF KARNATAKA,
PRIMARY AND SECONDARY EDUCATION,
M.S. BUILDING,
BENGALURU - 560 001,
REP BY PRINCIPAL SECRETARY.

...ACCUSED

(BY SRI.M.N. SUDEV HEGDE, AGA FOR R1 TO R3,
AND PRO FORMA R4)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF
THE CONTEMPT OF COURTS ACT, 1971, BY THE COMPLAINANT,
WHEREIN PRAYS THAT THE HON'BLE COURT BE PLEASED TO
INITIATE APPROPRIATE ACTION AGAINST THE ACCUSED FOR
WILLFUL DISOBEDIENCE OF THE ORDER DATED:25.09.2024
PASSED ON W.P.NO.12974/2023 (S-RES) BY THIS HON'BLE
COURT VIDE ANNEXURE - G AND ETC.,



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IN WA NO. 1603/2025

BETWEEN:

1. THE STATE OF KARNATAKA,
REP. BY ITS SECRETARY,
DEPARTMENT OF SCHOOL
EDUCATION AND LITERACY,
M.S. BUILDING,
BENGALURU - 560 001.
2. THE COMMISSIONER FOR
PUBLIC INSTRUCTIONS,
NEW PUBLIC OFFICES,
NRUPATHUNGA ROAD,
K.R. CIRCLE,
BANGALORE - 560 001.
3. THE DIRECTOR OF
PUBLIC INSTRUCTIONS,
SECONDARY EDUCATION,
NEW PUBLIC OFFICES,
NRUPATHUNGA ROAD,
K.R. CIRCLE,
BANGALORE - 560 001.
4. THE DEPUTY DIRECTOR OF
PUBLIC INSTRUCTIONS,
RAMANAGARA DISTRICT,
RAMANGARA - 562 159.
5. THE BLOCK EDUCATION OFFICER,
KANAKAPURA TALUK,
KANAKAPURA - 562 159.

...APPELLANTS

(BY SRI. M.N. SUDEV HEGDE, AGA)



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AND:

1. RANI S.,
D/O. SHIVARAJU. C,
AGED ABOUT 31 YEARS,
RURAL MILTI-PURPOSE HIGH SCHOOL,
RURAL EDUCATION SOCIETY,
KANAKAPURA,
R/AT KALLUKERE DODDI VILLAGE,
T. BEKUPPE POST,
KASABA HOBLI,
KANAKAPURA TALUK,
RAMANAGARA DISTRICT,
RAMANAGARA - 562 159.
2. GRAMA VIDYA PRACHARAKA SANGHA,
M.G. ROAD,
KANAKAPURA - 562 117,
BENGALURU SOUTH DISTRICT,
REPRESENTED BY ITS SECRETARY.

...RESPONDENTS

(BY SRI. SATESH N KOTTALAGI, ADVOCATE FOR
SRI. SRIKANTH M.P., ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO
ALLOW THE WRIT APPEAL SET ASIDE THE ORDER
DATED:25.09.2024 PASSED BY THE LEARNED SINGLE
JUDGE OF THIS HONBLE COURT IN WP NO.12974/2023
AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF



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ORAL ORDER

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

The respondent-State and its instrumentalities in W.P.No.12975/2023 are in this appeal, assailing the order dated 25.09.2024 passed by the Writ Court.

2. The Writ Court under the order impugned allowed the writ petition, quashed the endorsement dated 15.06.2023, issued by the Deputy Director of Public Instructions, Ramanagara District, Ramanagara-respondent No.4 and directed the Commissioner/Director/Deputy Director of Public Instructions - respondent Nos.2 to 4 respectively, to take proper and effective steps to approve the appointment of the petitioner so also to admit her appointment to salary grant, in accordance with law within the time bound manner.

3. The parties are referred to as per their ranking before the Writ Court.



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4. Facts in brief to file the present petition are as under:

4.1 The petitioner was before the Writ Court seeking the following reliefs:

- "a) Direct the Respondent Nos.1 to 5 to consider the proposal submitted by the 6th respondent management for approval of the appointment of the petitioner with grant in aid in the institution run by the 6th respondent and admit the petitioner to grant in aid Annexure-R.*
- ia) Quash the Endorsement bearing No.ANUZ KA AA PROU SHA HUDDE ANUMODANE 131/2022-23 751/23/24 dated 15.06.2023 passed by the 4th Respondent-Annexure-S"*

4.2 The petitioner claims that she was appointed in the Institution run by Grama Vidya Pracharaka Sangha-respondent No.6. A Notification was published by the respondent No.6-Sangha on 12.10.2022, calling upon applications to fill up various posts wherein a post in respect of Science Teacher (CBZ) was also included. The petitioner submitted an application and was selected and appointed as Assistant Teacher Science-



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CBZ by respondent No.6 on 24.12.2022. Subsequent to her appointment, a proposal was sent for approval with the respondent Nos.2, 3 and 4. When the proposal was underway, the objection came to be filed by some family member having family feud with the petitioner's family, wherein it was contented that a criminal case was filed against the petitioner and the police after investigation filed charge sheet being C.C.No.1895/2021 on the file of the JMFC, Kanakapura for the offences punishable under Sections 323, 324, 504, 506, 114 read with Section 34 of Indian Penal Code, 1860. This was the reason for the official respondents who placed the proposal to admit her appointment to grant on the backburner.

4.3 The petitioner filed an affidavit with the official respondents stating that, if she is convicted she would pay back the salary received and also resign from the job. When this did not work, the petitioner



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submitted a representation dated 06.06.2023 to respondent No.6 and requested to pursue the official respondents regarding granting approval of her appointment and grant her appointment to salary grant.

4.4 Respondent No.4 issued an endorsement dated 05.06.2023, informing that the District Verification Committee under a Resolution dated 03.06.2023, resolved to drop the case of the petitioner for approval of appointment, in view of pendency of the criminal case against her. Aggrieved by the endorsement, the petitioner was before the Writ Court.

4.5 Before the Writ Court, it was contented by the petitioner that the case registered by the police and charge sheet filed thereon has nothing to do with her service and therefore the respondent No.4 could not have refused to grant approval for appointment to



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salary grant. Further, it was contented that in view of the affidavit submitted by her, the respondents could not have rejected the request for approval of her appointment.

4.6 In contrast the learned Additional Government Advocate filed statement of objections placing reliance on Rule 10 of Karnataka Civil Services (General Recruitment Rules), 1977¹, to contend that the suitability of the petitioner based on his or her character was one of the criteria for granting approval to her appointment. In that view of the matter, the District Screening Committee felt that the character of the petitioner is undesirable and therefore did not grant approval. The District Screening Committee had verified the character of the petitioner in the light of the criminal case

¹ "the Rules, 1977"



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registered against her and passed the impugned order, which is just and proper.

4.7 It was further contented forcefully that the petitioner is sought to be appointed as a Teacher and is therefore expected to have good conduct.

4.8 The Writ Court having considered the rival submissions was of the opinion that the petitioner was appointed by respondent No.6 on 24.12.2022 as an Assistant Teacher- Science (CBZ) and she has reported to duty on 26.12.2022 is not in dispute. The allegations made in the crime registered and subsequently charge sheet filed stated supra, was primarily against accused Nos.1, 2 and 3. The allegation against the petitioner (accused No.4) was that she exhorted the other accused to commit the crime.

4.9 The Writ Court further opined that the charge sheet filed against petitioner is yet to be proved and the



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petitioner is presumed to be innocent, until that time a mere filing of charge sheet did not in any way demonstrate any adverse character of the petitioner, disentitling her to be appointed to the post of a Teacher, as she is entitled to raise all defenses available in law to protect herself from being prosecuted. The respondents could not have treated this as a disqualification to disapprove the appointment of the petitioner. The Writ Court taking note of the language used in Rule 10 of the Rules, 1977, finds that the rule merely warrants verification of certificates pertaining to qualification, income and caste etc., to check their authenticity and in terms of the same, she has to furnish certificates as contemplated in such Rules.

4.10 It is not the case of the respondents that petitioner has not furnished two character certificates from two respectable persons who are unconnected with the Institution and not related to her. Further, the Writ



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Court has found that there is no provision in the Rules, 1977, which enables the respondents to deny the relief of approval of appointment and admitting the petitioner to salary grant, on the ground of pendency of criminal case. In that view of the matter, the Writ Court concluded that the endorsement issued is not sustainable in law and accordingly, quashed and directed respondent Nos.2 to 4 to take proper and effective steps to approve the appointment of the petitioner and also to admit her appointment to salary grant, in accordance with law, in a time bound manner. It is this order passed by the Writ Court is called in question.

5. Heard Sri.M.N.Sudev Hegde, learned Additional Government Advocate for respondent/appellants and Sri.Sateesh N.Kottalalgi, learned counsel for Sri.M.P.Srikanth, learned counsel for petitioner/respondent No.1.



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6. Sri.M.N.Sudev Hegde, placing reliance on the judgment of the Supreme Court in the case of **STATE OF U.P. & ANOTHER VS. DINESH KUMAR**², with all force submits that, non-disclosure of pending criminal case against the petitioner, debars her from claiming any appointment, wherein she will be admitted to grant. The pendency of the case, the offences punishable are under Sections 114, 323, 324, 504, 506 read with Section 34 of IPC pending before the concerned Court against the petitioner, as on the date of filing of the application and appointment and the proposal sent for approval. In that view of the matter, the order passed by the Writ Court is not sustainable in law and accordingly sought to allow the appeal, set aside the order passed by the Writ Court and consequently dismiss the petition, confirming the endorsement issued by respondent No.4.

² SLP (C)No.20292/2025 Dt:12.01.2026



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7. In contrast, Sri.Sateesh N.Kottalagi, learned counsel appearing for Sri.M.P.Srikanth, learned counsel for the petitioner/ respondent No.1 submits that there is nothing in the advertisement, that prescribes regarding any disclosure. What is prescribed in the advertisement is, calling for application from the candidates, showing the number of posts and informing the eligible candidates to submit their application along with their name and educational qualification, age, disability etc., details along with Xerox copy of all educational records attested by the Gazetted Officer with appropriate fees and the application should be submitted to the concerned Secretary, Rural Education Society, Kanakapura, within 21 days from the date of publication and a copy of the application should be submitted separately to the Deputy Director (Admini), Department of Public Instruction, Ramanagar District, Ramanagara. There is no prescribed format to furnish information. Obviously the petitioner has filed her application against the post with all requisite documents



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which have been considered in her favour and the petitioner was issued appointment order. When the matter was sent for approval, some of the family members having family feud against the petitioner made certain objection, stating that criminal case is pending against the petitioner, cannot be a sole reason for disqualifying the petitioner and rejecting her proposal to appoint her to the salary grant by means of approval.

8. Further, the learned counsel submits that there is no provision in the Rules, 1977, which suggests that the respondent could deny the relief of approval of appointment and admitting the appointment of the petitioner to salary grant on the ground of pendency of the criminal case. He further submits that CrI.P.No.8959/2023 is filed calling in question the charge sheet filed against the petitioner and this Court granted interim stay. In that view of the matter, the order passed by the Writ Court is well within the four of law and does not call for any interference.



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9. Having considered the rival submissions, we have perused the entire writ appeal paper.

10. At the outset, it is apt to state that the judgment relied on by the learned Additional Government Advocate with respect to his contention of non-disclosure of criminal case cannot be countenanced as the charges pending therein are the offences punishable under Sections 147, 323, 504, 506 and 325 IPC and in Crime No.215/2018 for the offences punishable under Section 354D of IPC and Section 12 of Protection of Children from Sexual Offences Act, 2012. The offences mentioned are heinous and cannot be termed as trivial in nature. It is in this regard, the Supreme Court has held that the order passed by the learned Single Judge as well as the Division Bench, were against the law and set aside the order allowing the appeal, placing reliance on the maxim in law '*dura lex sed lex*', which means the law is harsh, but it is the law. The non-disclosure of heinous crime was the circumstances in the said case, which has costed the



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appointment of the respondents in the judgment passed by the Supreme Court.

11. Coming to the facts of the present case, the offences alleged are trivial in nature and the only allegation against the petitioner is that she allegedly exhorted the other family members to commit the crime. Except this allegation, no particular allegations against her have been made and all the allegations have been made against accused Nos.1 to 3.

12. The Supreme Court in the case of **STATE OF WEST BENGAL AND OTHERS VS. MITUL KUMAR JANA**³ in paragraph No.16, after relying the judgment of **AVTAR SINGH VS UNION OF INDIA**⁴, and extracting the paragraph No.38 of the said judgment has held that the issue of suppression of material information where the case does not involve any heinous or serious offences and trivial in nature and also not involving moral turpitude,

³ (2023) 14 SCC 719

⁴ (2016) 8 SCC 471



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further taking note of the fact that the accused therein was acquitted, disposed of the appeal, challenging the appointment order of the respondent therein.

13. Paragraph No.16 of the judgment afore reads as under:

"16. It is relevant to state here that on the issues relating to suppression of information and/or submitting false information and as to the question of b having been arrested or regarding pendency of a criminal case and effect of conviction/acquittal in such criminal cases, there were conflicting opinions of Division Bench judgments of this Court. On making a reference, the said controversy has been decided in Avtar Singh v. Union of India. The Court after considering various judgments has taken a holistic approach and summarised certain yardsticks in para 38, which are reproduced as thus: (SCC pp. 507-508)

"38. We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of aforesaid discussion, we summarise our conclusion thus:

38.1. Information given to the employer by a candidate as to conviction, acquittal or arrest, or pendency of a criminal case, whether before or after entering into service must be true and there should be no



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suppression or false mention of required information.

38.2. While passing order of termination of services or cancellation of candidature for giving false information, the employer may take notice of special circumstances of the case, if any, while giving such information.

38.3. The employer shall take into consideration the Government orders/instructions/rules, applicable to the employee, at the time of taking the decision.

38.4. In case there is suppression or false information of involvement in a criminal case where conviction or acquittal had already been recorded before filling of the application/verification form and such fact later comes to knowledge of employer, any of the following recourses appropriate to the case may be adopted-

38.4.1. In a case trivial in nature in which conviction had been recorded, such as shouting slogans at young age or for a petty offence which if disclosed would not have rendered an incumbent unfit for post in question, the employer may, in its discretion, ignore such suppression of fact or false information by condoning the lapse.

38.4.2. Where conviction has been recorded in case which is not trivial in nature, employer may cancel candidature or terminate services of the employee.

38.4.3. If acquittal had already been recorded in a case involving moral turpitude or offence of



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heinous/serious nature, on technical ground and it is not a case of clean acquittal, or benefit of reasonable doubt has been given, the and may take appropriate decision as to the continuance of the employee.

38.5. In a case where the employee has made declaration truthfully of a concluded criminal case, the employer still has the right to consider antecedents, and cannot be compelled to appoint the candidate.

38.6. In case when fact has been truthfully declared in character verification form regarding pendency of a criminal case of trivial nature, employer, in facts and circumstances of the case, in its discretion, may appoint the candidate subject to decision of such case.

38.7. In a case of deliberate suppression of fact with respect to multiple pending cases such false information by itself will assume significance and an employer may pass appropriate order cancelling candidature or terminating services as appointment of a person against whom multiple criminal cases were pending may not be proper.

38.8. If criminal case was pending but not known to the candidate at the time of filling the form, still it may have adverse impact and the appointing authority would take decision after considering the seriousness of the crime.

38.9. In case the employee is confirmed in service, holding Departmental enquiry would be necessary



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before passing order of termination/removal or dismissal on the ground of suppression or submitting false information in verification form.

38.10. For determining suppression or false information attestation/verification form has to be specific, not vague. Only such information which was required to be specifically mentioned has to be disclosed. If information not asked for but is relevant comes to knowledge of the employer the same can be considered in an objective manner while addressing the question of fitness. However, in such cases action cannot be taken on basis of suppression or submitting false information as to a fact which was not even asked for.

38.11. Before a person is held guilty of suppressio veri or suggestio falsi, knowledge of the fact must be attributable to him."

(emphasis in original)"

14. In the judgment of **AVTAR SINGH** supra, the Supreme Court at paragraph No.38.10, in unequivocal terms stated that for determining suppression or false information attestation/verification form has to be specific, not vague. Only such information which was required to be specifically mentioned has to be disclosed. If information not asked for, but is relevant comes to knowledge of the



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employer, the same can be considered in an objective manner while addressing the question of fitness. However, in such cases, action cannot be taken on basis of suppression or submitting false information as to a fact which was not even asked for.

15. The learned Single Judge of Kerala High Court in **WP(C)No.14684/2025** (*one of us i.e., Hon'ble Mr. Justice D.K.Singh*), relying on the judgments of Supreme Court in **STATE OF WEST BENGAL** supra as well as **AVTAR SINGH** supra, in **W.P.No.17573/2023**, and further relying on the judgment of Supreme Court in the case of **RAMKUMAR VS. STATE OF UTTARPRADESH**⁵ has held that, non-disclosure of two minor cases, which were later on quashed and closed, one by High Court and another by paying the fine, would not itself make the petitioner unsuitable for the post of Driver. The concluding paragraph Nos.18 and 19 which reads as under:

⁵ 2011 (14) SCC 709



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"18. Considering the view taken by the Supreme Court in the cases cited above, I am of the view that the non-disclosure of two criminal cases against the petitioner, which were quashed and compounded, would not be fatal to the petitioner's suitability to the post inasmuch as the cases are not serious in character and do not involve the petitioner's moral turpitude. The competent authority has not considered these aspects while issuing the impugned notices of termination and relieving order in Exts.P7 and P8.

19. In view of the aforesaid discussion, the impugned orders in Exts.P7 and P8 are set aside, and the matter is remitted back to the 2nd respondent to consider afresh that whether the petitioner would be non-suitable to hold the post of Driver Mechanical Transport because of the non-disclosure of two criminal cases which were quashed and compounded as mentioned above. The said decision of the 2nd respondent must be on the basis of the law as discussed above. On remand, the 2nd respondent should take the decision afresh within a period of one month after affording an opportunity of hearing to the petitioner."

16. In view of the dictum made by the Supreme Court in the cases supra, non-disclosure of petty offences which does not involve moral turpitude, cannot be a circumstances to be considered as disqualification when no



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provision under Rules, 1977, including Rule 10 suggests to that effect. It is germane to mention here that as rightly submitted by Sri.Sateesh N.Kottalagi, there is nothing to suggest in the advertisement published in the newspaper dated 10.10.2022, except inviting application along with particulars of educational qualification, certificate and prescribed fee, regarding disclosure of criminal cases. There is no prescribed format which prescribes the columns regarding disclosure of criminal cases against the candidate.

17. We find no infirmities in the order passed by the Writ Court allowing the writ petition, quashing the endorsement and directing the respondents stated supra. In that view of the matter, writ appeal sans merit and accordingly, ***dismissed***. The respondent-State/appellants herein granted two months time to comply the order passed by the Writ Court.



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18. The contempt in CCC No.732/2025 is filed by the petitioner for non-compliance of order passed by the Writ Court.

19. In view of dismissal of appeal and extension of time for compliance, the contempt petition does not survive for consideration at this juncture and is accordingly, ***dropped***.

20. In view of dismissal of appeal, all pending interlocutory applications, if any, stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

RR
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