



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 23497 OF 2021 (S-RES)

BETWEEN:

1. SRI C T JAYANNA
AGED ABOUT 48 YEARS
S/O LATE SRI THIPPESWAMY
WORKING AS ASSISTANT PROFESSOR IN KANNADA
IN S J M ARTS, AND COMMERCE COLLEGE
B.D. ROAD, CHITRADURGA TOWN
CHITRADURGA DISTRICT-577501
R/O AT SRISHAILA MALLIKARJUNA NILAYA
2ND CROSS, SHIVA LAYOUT
THAMATAKAL ROAD
CHITRADURGA TOWN
CHITRADURGA DISTRICT-577502.
2. SRI G.S. NAGARAJA
AGED ABOUT 51 YEARS
S/O LATE SRI SHARANAPPA G N
WORKING AS LECTURER IN ECONOMICS
IN S J M ARTS, AND COMMERCE COLLEGE
B.D. ROAD, CHITRADURGA TOWN
CHITRADURGA DISTRICT-577501.
R/AT PALAVVANAHALLI HIRIYUR TALUK
CHITRADURGA DISTRICT-577532.
3. SRI L. RAJA NAIK
AGED ABOUT 45 YEARS
S/O LATE SRI LIMBYA NAIK
WORKING AS LECTURER IN POLITICAL SCIENCE
IN S J M ARTS AND COMMERCE COLLEGE

Digitally
signed by
KIRAN
KUMAR R
Location:
HIGH COURT
OF
KARNATAKA



B.D. ROAD, CHITRADURGA TOWN
CHITRADURGA DISTRICT-577501
R/O MADAKARIPURA
CHITRADURGA TOWN
CHITRADURGA DISTRICT-577524.

4. SRI C. THIPPESWAMY
AGED ABOUT 52 YEARS
S/O CHIDANANDAPPA
WORKING AS LECTURER IN ENGLISH IN
S J M ARTS, AND COMMERCE COLLEGE
TARIKERE TOWN
CHICKAMAGALUR DISTRICT-577228.
R/AT 4TH CROSS, JOGI MATTI ROAD
CHITRADURGA TOWN
CHITRADURGA DISTRICT-577501.

...PETITIONERS

(BY SRI. HEGDE RAMACHANDRA SHIVARAM AND
SRI. R.S. HEGDE, ADVOCATES)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF HIGHER EDUCATION
(COLLEGIATE EDUCATION)
M.S. BUILDING
BENGALURU-560001.
2. THE COMMISSIONER
DEPARTMENT OF COLLEGIATE AND TECHINICAL
EDUACTION, PALACE ROAD
BENGALURU-560001.
3. THE REGIONAL JOINT DIRECTOR
OFFICE OF THE REGIONAL JOINT DIRECTOR
DEPARTMENT OF COLLEGIATE EDUCATION
MATHUR ROAD
SHIVAMOGGA TOWN
SHIVAMOGGA DISTRICT-577203.



4. S.J.M. VIDHYA PEETHA (R)
SRI MURUGHA MATH
(BRAHAN MATH), REGISTERED TRUST
CHITRADURGA TOWN-577502
CHITRADURGA DISTRICT
REP. BY ITS SECRETARY.
5. THE PRINCIPAL
S.J.M. ARTS, SCIENCE AND COMMERCE COLLEGE
B.D. ROAD, CHITRADURGA TOWN-577501
CHITRADURGA DISTRICT.
6. THE PRINCIPAL
S.J.M. ARTS AND COMMERCE COLLEGE
TARIKERE TOWN
CHIKAMAGALUR DISTRICT-577228.

...RESPONDENTS

(BY SRI. G. RAMESH NAIK, AGA FOR R1 TO R3;
SRI. B.S. MURALI, ADVOCATE FOR R4 TO R6)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED GOVERNMENT ORDER DATED 09.12.2021 ISSUED BY R1 VIDE ANNEXURE-C IN SO FAR AS PETITIONERS ARE CONCERNED 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

The petitioners filed this writ petition seeking the following reliefs:

- "a) *Call for records from the respondents relating to case of the petitioners, and examine and*
- b) *Issue writ in the nature of certiorari or any other appropriate writ order direction to quash the impugned Govt. Order No. ED 271 UPC 2016, Bengaluru, dated 09.12.2021 issued by respondent No.1 vide Annexure-C in so far as petitioners are concerned; and*
- c) *Issue any other appropriate writ order direction as deemed just and proper in the facts and circumstances of the case including the costs of the proceedings in the interest of justice and equity."*

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

2.1. Respondent No.1-State issued a Government order dated 17.09.2009 according approval for salary grant-in-aid and appointment of petitioner Nos.1, 3 and 4 in respondent No.5-College by the respondent No.4-Management. Respondent No.4-Management issued



appointment orders in favour of petitioner Nos.1, 3 and 4 pursuant to the Government order dated 17.09.2009 according approval for salary grant-in-aid and appointment of petitioner Nos.1, 3 and 4 for salary grant from the salary grant-in-aid of the State Government. Petitioner Nos.1, 3 and 4 were initially appointed on 01.07.1997, 01.07.1996 and 01.07.2000 respectively. Respondent No.1-State issued an order dated 11.03.2010 according approval for salary grant-in-aid and appointment of petitioner No.2 in respondent No.5-College by respondent No.4-Management and respondent No.4-Management has issued the appointment order to petitioner No.2 for salary grant from the salary grand-in-aid of the State Government. Petitioner No.2 was initially appointed on 01.07.1998. Respondent No.1-State has passed an order withdrawing the salary grant-in-aid insofar as the petitioners are concerned by way of Government order dated 09.12.2021. The petitioners,



aggrieved by the impugned Government order dated 09.12.2021 vide Annexure-C, filed this writ petition.

3. The respondents filed a statement of objections denying the averments made in the memorandum of writ petition and admitted regarding the appointment of the petitioners in respondent No.5-College. It is contended that, one Sri. L.Nagaraj, Advocate submitted a complaint to the Government alleging that the appointment orders have been issued without concurrence of the Finance Department and as such, sought for withdrawal of the said orders. The action of the respondents in withdrawing the grant-in-aid to the petitioners is legal. Hence, prays to dismiss the writ petition.

4. Heard the arguments of the learned counsel for the petitioners, learned AGA for respondent Nos.1 to 3 and learned counsel for respondent Nos.4 to 6.

5. Learned counsel for the petitioners submits that, before passing of the impugned order by the



respondents, no enquiry was held. The said order is in violation of principles of natural justice. To buttress his argument, he has placed reliance on the judgment of the Hon'ble Apex Court in the case of ***Maneka Gandhi Vs. Union of India and Another***¹. The impugned order passed by respondent No.1 is in violation of principles of natural justice. Hence, on this ground, he prays to allow the writ petition.

6. *Per contra*, learned AGA supported the impugned order, and prays to dismiss the writ petition.

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

8. It is an undisputed fact that the petitioners were appointed in respondent No.5-College institution and petitioner Nos.1, 3, 4 and 2 are serving there since from 01.07.1997, 01.07.1996, 01.07.2000 and 01.07.1998

¹ (1978) 1 SCC 248



respectively. Their appointments were admitted for grant-in-aid vide Government order dated 17.09.2009.

9. Respondent No.1, without issuing any notice or holding any enquiry, has passed the impugned order. The impugned order passed by respondent No.1 is contrary to the proposition of law laid down by the Hon'ble Apex Court in the case of **Maneka Gandhi** (supra), wherein the Hon'ble Apex Court has held that, a substantive and procedural laws and actions taken under them will have to pass tests under Article 14 of the Constitution of India. The tests of reasons and justice cannot be abstract. They cannot be divorced from the needs of the nation. They 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 a 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 of the Constitution and procedure prescribed by law must be just, fair and reasonable.

10. Admittedly, by virtue of the impugned order, the right of the individuals i.e., the petitioners has been affected. Respondent No.1, without giving a reasonable opportunity to be heard, has passed the impugned order, which is in violation of principles of natural justice and contrary to the mandate laid down by the Hon'ble Apex Court in the case of **Maneka Gandhi** (supra). Hence, on this ground alone, the impugned order is liable to be set aside.

11. In view of the facts and circumstances of the case, I proceed to pass the following:

ORDER

- i. The writ petition is ***allowed***;



- ii. The impugned Government order No.ED 271
UPC 2016, dated 09.12.2021 vide Annexure-C
is hereby quashed;
- iii. A liberty is reserved to respondent No.1 to take
appropriate action against the petitioners in
accordance with law, if so desired;
- iv. Pending IA(s), if any, shall stand disposed of.

Sd/-
(ASHOK S.KINAGI)
JUDGE

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List No.: 1 Sl No.: 42