



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 4587 OF 2020 (S-RES)

BETWEEN:

SRI. SRIKANTA
S/O M JAYASHEELA
AGED ABOUT 41 YEARS
SECOND DIVISION ASSISTANT
(UNDER ORDER OF DISMISSAL)
DR AMBEDKAR COLLEGE OF EDUCATION
BENGALURU, R/A NO.23/180
15TH CROSS, 60 FEET ROAD
J C NAGAR
WEST OF CHORD ROAD
KURUBARAHALLI
MAHALAKSHMIPURAM POST
BENGALURU-560086

...PETITIONER

Digitally
signed by
SHILPABAI S
Location:
HIGH COURT
OF
KARNATAKA

(BY SRI. PARTHASARATHI M S., ADVOCATE
SRI. M.P. SRIKANTH, ADVOCATE)

AND:

1. THE COMMISSIONER
COLLIGATE EDUCATION DEPARTMENT PALACE ROAD
BENGALURU-560001
2. THE DIRECTOR OF STATE EDUCATIONAL RESEARCH
AND TRAINING
NO.4, 100 FEET RING ROAD



BANASHANKARI III STAGE
BENGALURU-560085

3. THE GENERAL SECRETARY
KARNATAKA PEOPLES EDUCATION SOCEITY(R)
POLICE PARADE GROUND
DURGA ROAD
GULBARGA – 585106
4. DR. A SOMASHEKARA MURTHY
S/O ANKAIAH
AGED ABOUT 50 YEARS
PRINCIPAL
DR AMBEDKAR COLLEGE OF EDUCATION
J C NAGAR
WEST OF CHORD ROAD
MAHALAKSHMIPURAM POST
KURUBARAHALLI
BENGALURU-560086

...RESPONDENTS

(BY SRI. G RAMESH NAIK, AGA FOR R1 & R2
SRI. L.M. CHIDANANDAYYA, ADVOCATE FOR R3
V/O DATED 09.08.2021 NOTICE TO R4 IS D/W)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE JUDGMENT DATED 08.08.2019 PASSED IN MA (EAT) NO.10/2009 PASSED BY THE HON'BLE EDUCATIONAL APPELLATE TRIBUNAL, BENGALURU VIDE ANNEX-AS. QUASH THE ORDER DATED 15.09.2009 VIDE ANNEX-Y ISSUED BY R-3. DIRECT THE REINSTATEMENT OF THE PETITIONER WITH ALL CONSEQUENTIAL BENEFITS AND CONTINUITY OF SERVICE 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 petitioner filed this writ petition seeking the following reliefs:

- "a) *Set aside the Judgement dated 08.08.2019 passed in MA (EAT) No.10/2009 passed by the Hon'ble Educational Appellate Tribunal, Bengaluru Vide Annexure AS*
- b) *Quash the Order dated 15.09.2009 bearing No. Gu:Ka.Pi.Ye.So:Da: :Aa.Shi.Ma.Vi:Ka.Ke.Ni.No. : 2007-08, Gulbarga, vide Annexure Y*
- c) *Direct the reinstatement of the Petitioner with all consequential benefits and continuity of service, etc.,*
- d) *Pass any order of consequential relief or any other appropriate order or direction as this Hon'ble Tribunal deems fit in the facts and circumstances of the case in the ends of justice and equity."*

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

2.1. The petitioner was appointed as a Second Division Assistant in respondent No.3-Institution. The



petitioner joined B.A., degree course during the year 1992-93 and he was appointed as a temporary employee by the Management. The appointment of the petitioner was admitted to grant-in-aid on 24.08.1994. The petitioner is discharging his duties from the date of appointment. A charge memo came to be issued on 06.05.2006. The petitioner was issued with a show-cause notice dated 08.05.2006 stating that he was not present in a programme in respect of Karnataka State Open University and that he had left the Institution without obtaining permission. The petitioner replied to the show-cause notice and denied the allegations made in the show-cause notice. Respondent No.2 issued one more show cause notice dated 23.02.2008. The petitioner offered his explanation denying the allegations made against him. The petitioner was kept under suspension vide order dated 26.05.2008. The petitioner was issued with a charge memo dated 30.09.2008 listing five charges against him. An enquiry was conducted and enquiry report was



submitted by the Enquiry Officer to the disciplinary authority. Respondent No.2 issued a second show-cause notice dated 08.08.2009, to which the petitioner replied on 22.08.2009. The respondents passed an order of dismissal from service on 15.09.2009 considering the findings stated to have been established as per the report of the Enquiry Officer in respect of charges 1, 2, 3 and 5. The petitioner, aggrieved by the order of dismissal, approached the Educational Appellate Tribunal, Bengaluru (**'EAT'** for short) in MA (EAT) No.10/2009. The EAT dismissed the appeal. Hence, this writ petition.

3. Heard the arguments of learned counsel for the petitioner, learned AGA for respondent Nos.1 and 2 and learned counsel for respondent No.3.

4. Learned counsel for the petitioner submits that, the charges levelled against the petitioner are false and baseless and the said allegations are not supported with any documents. The order of termination passed against the petitioner is illegal. He submits that, the petitioner



examined himself as PW1 before the EAT and produced seventy-seven documents marked as Exs.P1 to P77. He submits that, on behalf of the Management, one witness was examined and thirty-seven documents were marked. But the EAT has not properly appreciated the oral and documentary evidence led by the parties. The impugned judgment passed by the EAT is without application of mind and also without consideration of documents produced by the parties. Hence, the impugned judgment passed by the EAT is arbitrary, erroneous and contrary to the records. He submits that the impugned judgment may be set aside and the matter be remitted to the EAT with a direction to pass a detailed judgment after considering the oral and documentary evidence led by the parties. Hence, on these grounds, he prays to allow the writ petition.

5. *Per contra*, learned counsel for respondent No.3 and learned AGA supported the impugned judgment and they submit that, the charges levelled against the petitioner were proved proof and respondent No.2 has



rightly passed an order of termination. Hence, on these grounds, they pray to dismiss the writ petition.

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

7. It is an undisputed fact that the petitioner was working in respondent No.3-Institution as a Second Division Assistant and on allegations, charges were levelled against the petitioner, show-cause notice was issued to him, and he replied to the show-cause notice. Being dissatisfied with the reply submitted by the petitioner, respondent No.3 decided to initiate disciplinary proceedings against the petitioner on the ground of dereliction of duty, violating rules, undisciplined behavior, etc. He replied to the charge memo and contended that the charges levelled against him are false and baseless. The petitioner was kept under suspension. The Enquiry Officer conducted an enquiry and submitted a report on 15.06.2009. The disciplinary authority issued show cause notice along with the enquiry report calling for objection to



the report. The petitioner has submitted a reply to the second show-cause notice. The disciplinary authority, being dissatisfied with the reply submitted by the petitioner, passed an order of termination. The petitioner, aggrieved by the order of termination, preferred an appeal under Section 94(1) of the Karnataka Education Act, 1983, before the EAT.

8. Before the EAT, the petitioner examined himself as PW1 and marked seventy-seven documents as Exs.P1 to P77; respondent No.3 examined its Principal as RW1 and marked thirty-seven documents as Exs.R1 to R37. The EAT, after hearing the learned counsel for the parties, answered issue Nos.1 and 3 in the negative, issue No.2 in the affirmative and issue No.4 as per the final order.

9. From the perusal of the impugned judgment, it discloses that, the EAT, except referring to the exhibits, has not appreciated the oral evidence led by the parties i.e., PW1 and RW1, and dismissed the appeal with costs vide judgment dated 08.08.2019. The EAT has not



appreciated the oral and documentary evidence led by the parties. The impugned judgment passed by the EAT is cryptic and without application of mind. As the matter requires fresh consideration by the EAT, this Court refrains from making any opinion on the merits of the case. Hence, the impugned judgment passed by the EAT is liable to be set aside only on the ground that the EAT has not properly appreciated the oral and documentary evidence. The impugned judgment passed by the EAT is arbitrary and contrary to the records. Hence, on this ground, the impugned judgment is liable to be set aside.

10. In view of the above discussion, I proceed to pass the following order:

ORDER

- i. The writ petition is ***allowed***;
- ii. The impugned judgment dated 08.08.2019 passed by the EAT in MA (EAT) No.10/2009 is hereby set aside;



- iii. The appeal in MA (EAT) No.10/2009 is restored to its original file;
- iv. The parties are directed to appear before the EAT on 10.08.2026 without awaiting any further notice;
- v. The EAT is directed to re-consider the appeal afresh and pass an appropriate judgment after assigning the detailed reasons;
- vi. Pending IA(s) in this petition, if any, shall stand disposed of.

Sd/-
(ASHOK S.KINAGI)
JUDGE

PA
List No.: 1 SI No.: 47