



CNR: KAHC010626642023

NC: 2026:KHC:48765-DB
WP No. 26442 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 8TH DAY OF SEPTEMBER, 2026
PRESENT
THE HON'BLE MR. JUSTICE S.G.PANDIT
AND
THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA
WRIT PETITION NO. 26442 OF 2023 (S-KSAT)

BETWEEN:

SHRI. KUMARASWAMY M.G.
S/O LATE GOPALA GOWDA
AGED ABOUT 55 YEARS
WORKING AS DEPUTY PROJECT COORDINATOR
(UNDER RULE 32 OF THE KCSRS)
DEPARTMENT OF COMMISSIONER
SCHOOL EDUCATION
NRUPATUNGA ROAD, K.R. CIRCLE
BANGALORE - 560 001
R/AT NO.652, 2ND MAIN
5TH CROSS, LOKANAYAKANAGAR
MYSORE - 570016.

...PETITIONER

Digitally signed by
NANJUNDACHARI

Location: High
Court of
Karnataka

(BY SRI. VIJAYA KUMAR, ADV. (THROUGH VC))

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
SCHOOL EDUCATION AND
LITERACY DEPARTMENT
6TH FLOOR, M.S. BUILDING
BENGALURU -560 001.



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2. THE COMMISSIONER
DEPARTMENT OF SCHOOL EDUCATION
NEW PUBLIC OFFICES,
K.R. CIRCLE
BENGALURU- 560 001.

3. THE DEPUTY DIRECTOR
DEPARTMENT OF SCHOOL EDUCATION
BANGALORE - 560 001
BANGALORE DISTRICT.

...RESPONDENTS

(BY SRI. SANTOSHRAJ C., DESHMUKH, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO I) SET ASIDE THE ORDER DATED 30/10/2023 PASSED BY THE HONBLE TRIBUNAL IN APPLICATION NO.4490/2023 (VIDE ANNEXURE-A) AND ALLOW THE APPLICATION AS PRAYED FOR AND II) PASS SUCH OTHER ORDER.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



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ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The petitioner aggrieved by the order dated 30.10.2023 in Application No.4490/2023 passed by the Karnataka State Administrative Tribunal at Bangalore (for short "Tribunal") is before this Court in this writ petition, whereunder, petitioner's prayer to quash the order dated 03.10.2023 (Annexure-A7) displacing the petitioner from Rule 32 arrangement is dismissed.

2. The brief facts of the case are that, the petitioner was initially appointed as Head Master by direct recruitment through Karnataka Public Service Commission by order dated 30.04.1999. Thereafter, the petitioner was placed under Rule 32 of KCSRs to Class-I Junior Scale in the department of School Education along with his juniors by order dated 07.10.2013. When the petitioner continued under Rule 32 of KCSRs, a departmental enquiry came to be initiated against the petitioner by issuance of



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Articles of Charge dated 12.07.2017. When the enquiry was in progress against the petitioner, juniors of the petitioner were promoted regularly to Class-I Junior Scale by notification dated 17.04.2018. Subsequently, by notification dated 03.10.2023 (Annexure-A7) the respondent-State sought to displace the petitioner from Rule 32 arrangement. The said notification dated 03.10.2023 was the subject matter of application before the Tribunal in Application No.4490/2023. The said application came to be dismissed by impugned order dated 30.10.2023 holding that the petitioner prayer is lacking in legally tenable grounds, since Rule 32 of KCSRs would not confer any right to the petitioner. Challenging the said order of the Tribunal, the petitioner is before this Court in this writ petition.

3. Heard learned counsel Sri.Vijayakumar for petitioner and learned AGA Sri.Santhoshraj C Deshmukh for



respondent-State Authorities. Perused the entire writ petition papers.

4. Sri.Vijayakumar, learned counsel for the petitioner at the outset would submit that during the pendency of the present writ petition, by Government Order dated 18.12.2023, the petitioner was exonerated of charges in the enquiry initiated under Articles of Charge dated 12.07.2017. Further, Sri.Vijayakumar would submit that, by virtue of interim order of this Court dated 04.12.2023 passed in the present writ petition, the petitioner continued under Rule 32 of KCSRs as Class-I Junior Scale Officer. Further, it is also submitted that the criminal proceedings initiated against the petitioner on the same incident on which, the departmental enquiry was initiated, the petitioner was acquitted of the charges.

5. It is an admitted fact that the petitioner was placed under independent charge under Rule 32 of KCSRs along with his juniors on 07.10.2013 to Class-I Junior scale in



the Education Department. It is also an admitted fact that his juniors were promoted regularly by notification dated 17.04.2018. However, the case of the petitioner for regular promotion was not considered in view of pendency of enquiry against the petitioner under Articles of Charge dated 12.07.2017. Admittedly, the said enquiry has reached finality and the petitioner has been exonerated of the charge by Government Order dated 18.12.2023 which is placed on record along with the memo dated 08.09.2026. It is also an admitted fact that by virtue of interim order dated 04.12.2023 in the present writ petition, the petitioner is continued under Rule 32 of KCSRs as Class-I Junior Scale Officer.

6. Regular promotion of the petitioner was postponed solely on the ground of pendency of departmental enquiry. However, the said departmental enquiry has ended in exoneration of the petitioner under Government Order dated 18.12.2023. When once the petitioner is



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exonerated of the charges in the departmental enquiry, he would become eligible for consideration of his case for promotion from the date his juniors are promoted, subject to any other impediment for consideration of the case of the petitioner for promotion. Learned counsel for the petitioner also submits that the juniors of the petitioner are promoted retrospectively from the date they were placed under Rule 32 of KCSRs. However, the said notification promoting his juniors retrospectively is not placed on record.

7. In the light of the above, the following:

ORDER

(i) The respondents are directed to consider the case of the petitioner for regular promotion to Class-I Junior Scale from the date his juniors are promoted i.e., from 17.10.2018, if he is otherwise eligible and if there is no any other pending enquiry.



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(ii) If the juniors of the petitioner are promoted retrospectively, the case of the petitioner shall also be considered if he is otherwise eligible.

(iii) The interim order passed on 04.12.2023 in the present writ petition shall continue till respondents pass appropriate order as directed above.

(iv) Time for compliance: three months from today.

With the above, the writ petition stands disposed of.

**SD/-
(S.G.PANDIT)
JUDGE**

**SD/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**

MPK
CT:bms
List No.: 1 Sl No.: 17