HC-KAR
NC: 2026:KHC:60990-DB
WP No. 3720 of 2025
CNR: KAHC010079292025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 3720 OF 2025 (S-KSAT)

BETWEEN:

1. SRI MADESHA U.,
S/O SRI. UNTHURAIAH,
AGED ABOUT 54 YEARS,
ASSISTANT SUB INSPECTOR,
MANDHYA WEST POLICE STATION,
MANDHYA DISTRICT,
R/AT POLICE QUARTERS,
HOUSE NO. 8
CAUVERY BUILDING, C BLOCK,
OPPOSITE PS ENGINEERING COLLEGE,
MANDHYA- 571 421.

2. SRI. MALLIKARJUNA CHULUKI,
S/O SRI. SOMAPPA,
AGED ABOUT 31 YEARS,
CIVIL POLICE CONSTABLE - 140,
HALAGURU POLICE STATION,
MALAVALLI TALUK,
MANDHYA DISTRICT
R/AT NEAR VEERABHADRESHWARA TEMPLE,
HALAGURU HOBLI, MALAVALLI TALUK,
MANDHYA DISTRICT - 571 421

...PETITIONERS

(BY SRI. PRASHANTH H. S., ADVOCATE)

Digitally signed by AASEEFA PARVEEN
Location: HIGH COURT OF KARNATAKA

CNR: KAHC010079292025

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY PRINCIPAL SECRETARY,
TO GOVERNMENT HOME DEPARTMENT,
VIDHANA SOUDHA, AMBEDKAR VEEDI,
BENGALURU - 560 001.

2. THE DIRECTOR GENERAL AND
INSPECTOR GENERAL, OF POLICE
IN KARNATAKA, NRUPATUNGA ROAD,
BENGALURU - 560 001.

3. THE INSPECTOR GENERAL OF POLICE,
SOUTH RANGE,
MYSURU - 570 001.

4. THE DISCIPLINARY AUTHORITY
AND THE DEPUTY INSPECTOR GENERAL OF
POLICE,OFFICE OF THE INSPECTOR GENERAL OF
POLICE, SOUTH RANGE,
MYSURU - 570 001.

5. SUPERINTENDENT OF POLICE,
MANDHYA DISTRICT,
MANDHYA 571 421

…RESPONDENTS

(BY SRI. VIKAS ROJIPURA, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 09.11.2025 PASSED BY THE KSAT AT BENGALURU IN A.No-4709 AND 4710/2024 VIDE ANNEXURE-A AND CONSEQUENTLY ALLOW THE SAID APPLICATION.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN B-GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CNR: KAHC010079292025

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

ORAL ORDER

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

The petitioners, unsuccessful applicants before the Tribunal are before this Court aggrieved by order dated 09.01.2025 in Application Nos.4709 and 4710/2024, whereunder the petitioners' prayer for quashing Articles of Charge dated 18.05.2024 (Annexure-A6) is rejected.

2. Heard learned counsel Sri.H.S.Prashanth, for petitioners through video conference and learned AGA Sri.Vikas Rojipura, for respondents.

3. Learned counsel Sri.H.S.Prashanth would submit that identical charge sheet was issued to the petitioners dated 06.02.2019 which was the subject matter of application before the Tribunal in Application Nos.1400 and 1401/2023 and the Tribunal vide order dated 02.11.2023 quashed the Articles of Charge with a

direction to the respondents to pay all consequential including financial benefits to which the petitioners are legally entitled to. Therefore, learned counsel would submit that the respondents could not have issued fresh Articles of Charge dated 18.05.2024 (Annexure-A6). Learned counsel referring to order of the Tribunal dated 02.11.2023 (Annexure-A5) submits that the Tribunal had not granted any liberty. In that circumstances he would submit that issuance of Articles of Charge dated 18.05.2024 is one without jurisdiction and the same requires to be quashed. Further, learned counsel would submit that on merits also the Articles of Charge would not be maintainable and as such he would pray for allowing the writ petition.

4. Per contra, learned AGA would support the order passed by the Tribunal and submit that the Articles of Charge issued on 06.02.2019 was quashed by the Tribunal by its order dated 02.11.2023 in Application Nos.1400 and 1401/2023 solely on the ground of

competency. Learned counsel would submit that the Articles of Charge was quashed on the finding that the same was issued by an incompetent authority. Learned AGA would submit that when the Articles of Charge are quashed solely on the ground of incompetency, there is no bar for competent authority to issue Articles of Charge and proceed with the enquiry. Thus, learned AGA would pray for dismissal of writ petition.

5. Having heard the learned counsels for the parties and on perusal of the entire writ petition papers, we are not inclined to interfere with the impugned order passed by the Tribunal. Admittedly Articles of Charge dated 06.02.2019 (Annexure-A1) was issued to the petitioners and the same was the subject matter of Application Nos.1400 and 1401/2023. The Tribunal by order dated 02.11.2023 quashed the Articles of Charge holding that the Articles of Charge is issued or framed by an incompetent authority i.e. not by the disciplinary authority. It is true that no liberty is reserved to the

respondents to issue fresh Articles of Charge. In the facts and circumstances, we are of the considered opinion that no liberty would be necessary when the Articles of Charge are quashed solely on the ground of competency. When the Tribunal has quashed the Articles of Charge on the ground of competency, it would not bar issuance of Articles of Charge by competent authority. In the instant case, now the Articles of Charge dated 18.05.2024 (Annexure-A6) is issued by Disciplinary Authority. As such, there is no merit in the contention of the petitioner that no liberty was granted in the earlier proceedings.

6. With regard to merit of the Articles of Charge, we are of the opinion that at this stage this Court under Article 226 would not go into the merit or otherwise of the charges alleged against the petitioners. It is for the Enquiring Officer to enquire and give a finding on the material that would be placed by both the parties. The Hon'ble Apex Court has made it clear that Articles of Charge could be interfered with at the threshold only if it

is established that the Articles of Charge is issued by incompetent authority or with *mala-fide*. In the instant case, it is not the case of the petitioners that it is by incompetent authority or Articles of Charge are issued with *mala-fide* intention.

7. In the said circumstances, we find no merit in the writ petition and accordingly the writ petition stands rejected.

All contentions of the parties are left open.

Sd/-
(S.G.PANDIT)
JUDGE

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

AP
CT:TSM
List No.: 1 Sl No.: 18