



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 30TH DAY OF APRIL, 2024
PRESENT
THE HON'BLE MR JUSTICE B M SHYAM PRASAD
AND
THE HON'BLE MR JUSTICE T.G. SHIVASHANKARE GOWDA

WRIT PETITION NO. 12518 OF 2024 (S-KSAT)

BETWEEN:

SRI. DEVENDRA NAIK. S
AGED ABOUT 36 YEARS
S/O SRI SHEKAR NAIK,
C/O SRI RAVEESH,
NEAR RENUKA STUDIO,
2ND CROSS, VIDHAYALAYA,
GUBBI TALUK TUMKUR DISTRICT-572216.

...PETITIONER

(BY SRI. J PRASHANTH.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF SCHOOL
EDUCATION AND LITERACY
M S BUILDING,
DR. AMBEDKAR VEEDHI,
BANGALORE-560001.

Digitally
signed by
NARASIMHA
MURTHY
VANAMALA

Location:
HIGH
COURT OF
KARNATAKA



2. DEPUTY DIRECTOR AND DISCIPLINARY
AUTHORITY,
DEPARTMENT OF SCHOOL
EDUCATION AND LITERACY,
OFFICE OF THE DEPUTY DIRECTOR,
TUMKUR DISTRICT-572216.

...RESPONDENTS

(BY SRI.MOHAMMED JAFFAR SHAH., AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO a) ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI QUASHING THE NOTICE ALONG WITH THE ARTICLE OF CHARGE DATED 20/11/2023 BEARING NO.E5 DOORU.10/22-23 ISSUED BY THE 2ND RESPONDENT VIDE ANNEXURE-A8.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY **B.M. SHYAM PRASAD J,** DELIVERED THE FOLLOWING:

ORDER

The petitioner is aggrieved by the Order dated 24.04.2024 [Annexure-A] by the Karnataka State Administrative Tribunal [for short, '*Tribunal*'] in Application No.1807/2024. The Tribunal, by this order, has opined that the petitioner's request for grant of *ex parte* interim order cannot be considered without issuance of notice to the respondents.



2. The petitioner asserts that he was duly appointed as '*Assistant Teacher Grade-II*' after his successful participation in the examination conducted for selection. The petitioner contends that his name is part of the provisional list and he is issued with the appointment order after scrutiny of the objections filed, publication of final/additional list and the original records. In fact, Sri J Prashanth, the learned counsel for the petitioner, submits that the petitioner is selected as part of the additional final list published because some selected candidates did not report to duty and that the petitioner's probationary period is also declared.

3. Insofar as the reason for the application before the Tribunal, Sri J Prashanth submits that the petitioner is issued with Articles of Charge dated 20.11.2023 [as per Annexure-A8 filed with the Tribunal] but the Charges against the petitioner are



completely vague and given the circumstances, the Charge should have been specific.

4. On perusal of the records, and the Articles of Charge dated 20.11.2023, this Court must opine that the petitioner could successfully contend that the Charges are vague, and in that event, the very continuation of the proceedings would be in jeopardy. These circumstances must be considered even at the threshold stage. It is undisputed that the enquiry is scheduled to be held on 03.05.2024, and this Court on a careful consideration of the circumstances, is of the considered opinion, to facilitate effective adjudication, that the proceedings scheduled to be held on 03.05.2024 must be deferred for a period of six weeks, and the present petition disposed of requesting the Tribunal to decide the application on merits within such time. Sri Mohammed Jaffar Shah submits that if the application is filed before the Tribunal for expeditious disposal on copies being



served with the office of the learned Additional Government Advocate, there would be due co-operation. In the light of the afore, the following:

ORDER

The petition stands disposed of deferring the proceedings scheduled to be held on 03.05.2024 for a period of six [6] weeks reserving liberty to the petitioner to request the Tribunal for expeditious disposal of the application. The Tribunal is also requested to dispose of the application within a period of six weeks as now enabled.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

AN/-