



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 10TH DAY OF FEBRUARY 2026
BEFORE
THE HON'BLE MRS JUSTICE K.S.HEMALEKHA
WRIT PETITION NO. 101353 OF 2025 (S-KSRTC)

BETWEEN:

SHRI. SANJUKUMAR S/O. ISHWAR KAMMAR
AGE: 30 YEARS, OCC: KSRTC SECURITY GUARD,
NOW NIL, R/O. INFRONT OF NISGOPACHAR YOGA
KENDRA HOSPITAL, GHATAPRABHA,
TAL: GOKAK, DIST: BELAGAVI-591240.

...PETITIONER

(BY SRI. ROHIT N.LATUR, ADVOCATE)

AND:

1. THE DIVISIONAL CONTROLLER
NORTH WESTERN KARNATAKA STATE
ROAD TRANSPORT CORPORATION,
CHIKKODI DIVISION, DIVISIONAL OFFICE,
CHIKKODI, DIST: BELAGAVI-591201.
2. THE DIVISIONAL CONTROLLER,
NORTH WESTERN KARNATAKA STATE
ROAD TRANSPORT CORPORATION,
NORTH KANNADA DIVISION (STAFF BRANCH),
DIVISIONAL OFFICE, SHIRASI, TAL: SHIRASI,
DIST: UTTARA KANNADA-581402.

...RESPONDENTS

(BY SRI. PRASHANT S.HOSMANI, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT/ORDER/DIRECTION IN THE NATURE OF CERTIORARI MAY KINDLY BE ISSUED AND THIS HON'BLE COURT MAY KINDLY BE PLEASED TO QUASH THE ORDER OF TERMINATION/REMOVAL DATED 13-12-2024 BEARING NO.VAAKARASAA.UK.SIBANDI.NEMAKA 1890 WHICH TERMINATED THE PETITIONER FROM RENDERING HIS SERVICES AS KSRTC SECURITY GUARD, ISSUED BY THE R.NO.2 PRODUCED AT ANNEXURE-L, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.





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

CORAM: THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

ORAL ORDER

The petitioner has approached this Court calling in question the order dated 13.12.2024, passed by the respondent-Corporation, whereby, the petitioner's services as a KSRTC Security Guard (Group-3) came to be terminated and seeking consequential relief.

Brief facts:

2. The petitioner was appointed on compassionate grounds following the death of his father while in service after due selection process, including verification of documents, physical test. It is stated that the petitioner was appointed and had joined the service. While the petitioner was discharging his duties, a show cause notice came to be issued alleging the petitioner has produced false educational documents related to his disqualification. Thereafter, by the impugned order dated 13.12.2024, the respondent



terminated the services of the petitioner on the premise that he had not appeared to the concerned semester examination and had secured appointment by misrepresentation.

3. It is the grievance of the petitioner that the impugned order has been passed without conducting any departmental enquiry and without affording him an effective opportunity of hearing.

4. Learned counsel for the petitioner contends that the impugned order is stigmatic and punitive in nature founded on allegations of misconduct. No enquiry whatsoever was held before passing the order of termination. The alleged verification report was never furnished to the petitioner nor was there an opportunity to rebut the same. Once an employee has entered a service, the termination on allegation of fake certificates cannot be done without following the principles of natural justice.



5. Reliance is placed on the decision of the Division of this Court in the case of ***Managing Director, Bengaluru Electricity Supply Company Ltd., and Another Vs. Sri Rohitkomkar and Another¹*** (*Rohitkomkar*) wherein, identical termination orders were set aside.

6. *Per contra*, learned counsel for the respondents submits that the petitioner secured appointment by producing fake educational documents. As per the terms of appointment and relevant regulations, the Corporation is entitled to cancel the appointment if documents are found to be vague. The termination is justified and no interference is warranted.

7. This Court has carefully considered the rival submissions and perused the material on record. The point that arises for consideration is:

"Whether the impugned order of termination dated 13.12.2024, passed without conducting a departmental inquiry and without affording the

¹ W.A.No.261/2020 and connected matters D.D 09.11.2020



petitioner an opportunity of hearing is sustainable in law?"

8. It is not in dispute that the impugned order is founded on an allegation that the petitioner has produced fake educational documents. The order imputes misrepresentation, and therefore, casts a clear stigma on the petitioner. A perusal of the record indicates that no enquiry was conducted and no opportunity was afforded to the petitioner to rebut the material relied by the respondents. The termination is thus not a discharge simpliciter but a punitive termination.

9. The Division Bench, while adjudicating the said batch of **Rohitkomkar** placing reliance on the decision of the Apex Court in the case of **Anoop Jaiswal Vs. Government of India and Another**² (*Anoop Jaiswal*), wherein, at paragraph Nos. 12 and 13, the Apex Court has held as under:

² AIR 1984 SC 636



"12. *It is, therefore, now well settled that where the form of the order is merely a camouflage for an order of dismissal for misconduct it is always open to the Court before which the order is challenged to go behind the form and ascertain the true character of the order. If the court holds that the order though in the form is merely a determination of employment is in reality a cloak for an order of punishment, the Court would not be debarred, merely because of the form of the order, in giving effect to the rights conferred by law upon the employee.*

13. *In the instant case, the period of probation had not yet been over. The impugned order of discharge was passed in the middle of the probationary period. An explanation was called for from the appellant regarding the alleged act of indiscipline, namely, arriving late at the Gymnasium and acting as one of the ringleaders on the occasion and his explanation was obtained. Similar explanations were called for from other probationers and enquiries were made behind the back of the appellant. Only the case of the appellant was dealt with severely in the end. The cases of other probationers who were also*



considered to be ringleaders were not seriously taken note of. Even though the order of discharge may be non-committal, it cannot stand alone. Though the noting in the file of the Government may be irrelevant, the cause for the order cannot be ignored. The recommendation of the Director which is the basis or foundation for the order should be read along with the order for the purpose of determining its true character. If on reading the two together the Court reaches the conclusion that the alleged act of misconduct was the cause of the order and that but for that incident it would not have been passed then it is inevitable that the order of discharge should fall to the ground as the appellant has not been afforded a reasonable opportunity to defend himself as provided in Art.311(2) of the Constitution."

10. The Apex Court held that even a probationer cannot be discharged from service by an order which casts a stigma and that whether the discharge is founded on allegation of misconduct holding of an enquiry becomes imperative. The Apex Court further observed that the Court is not precluded from going behind the form of order to



assert its true nature and character. Following the said dictum, the Division Bench of this Court held that the Court can always examine the true character of the order, and if it is found that the discharge, though innocuous in form, is in reality a cloak for an order of punishment, compliance with the principles of natural justice by holding a departmental enquiry is mandatory.

11. The Division Bench held that even where a fake certificate is alleged, once the employee has entered service, dismissal or removal cannot be effected without the compliance with the principles of natural justice, and such orders are liable to be set aside.

12. The facts of the present case stand on an identical footing. In the present case, the termination is based on an alleged verification report, no enquiry has been held, no effective opportunity of hearing has been afforded to the petitioner. The order is stigmatic and punitive in nature. Therefore, applying the ratio laid down in the



aforesaid decision, the impugned order cannot be sustained. Accordingly, the point framed for consideration is answered and this Court pass the following:

ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned order dated 13.12.2024 passed by the respondent-Corporation is hereby ***quashed***.
- iii. The petitioner shall be reinstated in service.
- iv. Liberty is reserved to the respondent-Corporation to proceed in accordance with law, if so advised, by conducting a proper enquiry after affording due opportunity to the petitioner.
- v. No opinion is expressed on the merits of the allegation.
- vi. Entitlement of the petitioner pursuant to the reinstatement would be subject to conclusion of the proceedings against the petitioner.
- vii. However, the salary which the petitioner would be entitled to shall be continued to be paid from the date of appointment



viii. In light of the order of termination being set aside, the petitioner is entitled for the salary and all consequential benefit, the consequential benefits and entitlement would be subject to conclusion of the proceedings against the petitioner.

**Sd/-
JUSTICE K.S.HEMALEKHA**

AT
Ct:VH / List No.: 1 Sl No.: 29