HC-KAR

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 29TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 104875 OF 2026 (S-RES)

BETWEEN:

1. DR. SATISH BABASAHEB PATIL
AGE. 56 YEARS,
OCC. ASSOCIATE PROFESSOR OF MEDICINE
R/O. H. NO.534/B, GOLF COURSE,
HANUMAN NAGAR CIRCLE,
BELAGAVI-590009

... PETITIONER

(BY SRI. HEGDE SHREEVATSA SURESH.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY THE PRINCIPAL SECRETARY TO THE
DEPARTMENT OF MEDICAL EDUCATION
MS BUILDING, BENGALURU.

2. THE DIRECTOR,
BELAGAVI INSTITUTE OF MEDICAL SCIENCES,
AMBEDKAR ROAD, BELAGAVI-590001.

... RESPONDENTS

(BY SMT. KIRTILATA R. PATIL, HCGP FOR R1,
SRI U.H. RAJPUT, ADVOCATE FOR R2)

MOHANKUMAR B SHELAR
Digitally signed by MOHANKUMAR B SHELAR
Location: High Court of Karnataka, Dharwad Bench
Date: 2026.07.01 13:05:10 +0530

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO RELEASE THE ARREARS OF SALARY FOR THE PERIOD COMMENCING FROM JUNE 2012 AND ETC.,

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

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

This petition is filed alleging inaction on the part of the respondents in not releasing the arrears of salary for the period commencing from June 2012. Consequently, mandamus is also sought to consider the petitioner's case for promotion within time frame.

2. Heard the learned counsel for the petitioner, learned HCGP for respondent No.1 and learned counsel for respondent No.2.

3. Learned High Court Government Pleader has filed a memo today placing on record the enquiry report, wherein the petitioner has been exonerated of the allegations levelled against him pursuant to the complaint on the basis of which disciplinary proceedings had been initiated. Placing reliance on the said report, the learned High Court Government Pleader submits that, in view of the petitioner’s exoneration, the relief sought in the present writ petition deserves to be granted, subject to respondent No.2 forwarding the necessary

proposal/recommendation for release of the arrears of salary withheld from June, 2012 onwards.

4. In the light of the enquiry report exonerating the petitioner of all the charges, this Court is of the considered view that the petitioner has acquired a legal right to seek release of the arrears of salary withheld solely on account of the pendency of the disciplinary proceedings. Consequently, respondent Nos.1 and 2 are under a corresponding obligation to consider the petitioner's claim and take appropriate steps for release of the arrears of salary, there being no surviving impediment in view of the petitioner's honourable exoneration.

5. For the reasons stated above, this Court is satisfied that the petitioner has made out a case for issuance of a writ of mandamus. Accordingly, this Court proceeds to pass the following:

ORDER

(i) The writ petition is ***allowed***.

(ii) Respondent No.2 is directed to forward the necessary proposal/recommendation to respondent No.1 for release of the arrears of salary payable to

the petitioner for the period commencing from June, 2012.

(iii) On receipt of such proposal/recommendation, respondent No.1-State shall consider the same and release the arrears of salary withheld solely on account of the pendency of the disciplinary proceedings.

(iv) Respondent No.2 shall forward the proposal/recommendation within a period of four weeks from the date of receipt of a certified copy of this order.

(v) Upon receipt of the proposal/recommendation, respondent No.1-State shall ensure release of the arrears of salary to the petitioner within a further period of six weeks.

(vi) If the petitioner's promotion was withheld only on account of the pendency of the disciplinary proceedings, respondent No.2 shall also take appropriate consequential action in that regard, in accordance with law, within a period of eight weeks from the date of receipt of a certified copy of this order.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

MBS
CT:GSM
List No.: 1 Sl No.: 29