



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF MAY, 2026

PRESENT

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT PETITION NO.104393 OF 2026 (S-KAT)

BETWEEN:

NANDA KUMARA M.R.
S/O. LATE RAMAKRISHNA,
AGED ABOUT 35 YEARS,
CDPO SIRSI,
UTTARA KANNADA DISTRICT,
PIN CODE 581 401.

...PETITIONER

(BY SRI. GOPAL KRISHNA K., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY SECRETARY
TO THE GOVERNMENT
DEPARTMENT OF WOMEN AND
CHILD DEVELOPMENT EMPOWERMENT
OF DIFFERENTLY ABLED AND
SENIOR CITIZEN, 3RD GATE,
GROUND FLOOR, M. S. BUILDING
DR. B. R. AMBEDKAR ROAD,
BENGALURU – 560 001.
2. THE DIRECTOR OF WOMEN
AND CHILD DEVELOPMENT,
THIRD FLOOR, PWD BUILDING,
ANANDA RAO CIRCLE,
BENGALURU – 560 009.





3. DEPUTY DIRECTOR DEPARTMENT
OF WOMEN AND CHILD DEVELOPMENT
G H PATIL CIRCLE,
MUNCIPLE HIGH SCHOOL ROAD,
HAVERI – 581 110.

4. DISTRICT PROGRAM OFFICER
DEPARTMENT OF WOMEN
AND CHILD DEVELOPMENT
G H PATIL CIRCLE,
MUNCIPLE HIGH SCHOOL ROAD,
HAVERI – 581 110.

...RESPONDENTS

(BY SRI. T. HANUMAREDDY, AGA FOR R1 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO PENDING FINAL DISPOSAL OF THE APPLICATION NO.10498/2026 BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL BENCH AT BELAGAVISTAY THE OPERATION OF THE IMPUGNED SHOW CAUSE NOTICE DATED 10.03.2026 BEARING NO. MA. MA.E.154 SJD 2025(BHA-1) PASSED BY THE FIRST RESPONDENT MARKED AS ANNEXURE-A21 TO THE ABOVE APPLICATION. GRANT SUCH OTHER RELIEF AS DEEMED UNDER THE FACTS AND THE CIRCUMSTANCES OF THE CASE.

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

CORAM: THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.



ORAL ORDER

(PER: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE)

1. Learned Addl. Government Advocate accepts notice on behalf of respondent Nos.1 to 4.
2. This petition is directed against the order dated 27.04.2026 passed in Application No.10498/2026 on the file of the Karnataka State Administrative Tribunal Bench at Belagavi ('the Tribunal' for short) and also to quash the show cause notice dated 10.03.2026 marked at Annexure-A21.
3. In terms of the order dated 27.04.2026, Karnataka State Administrative Tribunal Bench at Belagavi issued emergent notice to the respondents on an application filed by the petitioner seeking stay of show cause notice dated 10.03.2026. The show cause notice dated 10.03.2026 marked at Annexure-A21 calls upon the petitioner to show cause as to why proceedings should not be initiated against the petitioner for the alleged misconduct referred to in Annexures 1 to 4 to the show cause notice.



4. Learned counsel appearing for the petitioner, by referring to the contents of the show cause notice, would contend that;

4.1. The authority who has issued the show cause notice has already made up his mind and pronounced the petitioner guilty of the alleged offences and, as such, the show cause notice is liable to be quashed.

4.2. It is his further submission that the petitioner took charge on 16.07.2024 at Hangal as Child Development Project Officer and show cause notice is issued against the petitioner alleging misappropriation of milk powder weighing 9590 kilograms. It is his further submission that, in a short span of 20 days, such misappropriation is impossible and, without any application of mind, based merely on a newspaper report, the show cause notice is issued.

4.3. It is his further submission that a case is made out for grant of an ex-parte interim order against the show cause notice and that the Tribunal has not



applied its mind and has issued notice to the respondents, as such, would submit that the operation of the show cause notice dated 10.03.2026 has to be stayed.

4.4. In support of his contention, learned counsel for the petitioner placed reliance on the judgment of the Apex Court in ***Oryx Fisheries Private Limited v. Union of India and Others***¹.

5. Learned Government Advocate would oppose the petition on the premise that, what is issued is only a show cause notice inviting objections, if any, from the petitioner, and in case a satisfactory explanation is provided by the petitioner, the proceedings would be dropped. In case the explanation is not satisfactory, then the procedure as contemplated under law would take place and the petitioner will be at liberty to participate in the proceedings and raise all defences available under law. Thus it is urged that the writ petition is not maintainable, that too against an order passed by the Tribunal where

¹ (2010) 13 SCC 427



notice is issued to the petitioner and the application seeking interim stay is not yet rejected and is still pending consideration.

6. The Court has considered the contentions raised at the Bar and perused the records.
7. Admittedly, Annexure-A21 is the show cause notice dated 10.03.2026. The show cause notice would indicate that the authority who issued the show cause notice has granted 15 days' time to the petitioner to respond to the show cause notice. The show cause notice is accompanied by four annexures wherein certain allegations are made against the petitioner alleging misappropriation of around 9,000 kilograms of milk powder.
8. Though learned counsel for the petitioner would strenuously urge that the tenor of the show cause notice would indicate that the authority issuing the show cause notice has already made up his mind to hold the petitioner guilty, this Court is of the view that it is only a show cause notice and the petitioner is at liberty to



respond to the said show cause notice by explaining his position as well as his defence.

9. In case the petitioner's explanation is satisfactory, it is for the authority to take further course of action, i.e., to drop the proceedings. In case the explanation is not satisfactory, the authority will have to proceed in accordance with law and the petitioner should be given an opportunity of defending himself by placing all materials at his disposal.
10. Thus, the Court is of the view that no case is made out for grant of the relief sought.
11. Though learned counsel for the petitioner has relied on the judgment of the Apex Court in **Oryx Fisheries** case (supra) and has referred to paragraph No.27 of the judgment, this Court is of the view that the ratio laid down in the said judgment does not apply to the present case. It is noticed that the said judgment was delivered in a context where there was a show cause notice followed by an enquiry, and the matter went up to the Apex Court,



and the Apex Court, after noticing the tenor of the show cause notice as well as the evidence placed on record, has come to the conclusion that the show cause notice ought not to have been issued and that the enquiry initiated pursuant thereto was also unsustainable. It is also noticed that in the said case the proceeding was initiated against a supplier of goods. Consequently, the Apex Court quashed the final order pursuant to the enquiry as well as the show cause notice.

12. In the present case, enquiry is not yet held and the petitioner is yet to respond to the show cause notice. Under these circumstances, this Court does not find any merit in the writ petition.

13. Accordingly, the writ petition is ***dismissed***.

14. It is made clear that this Court has not expressed any opinion on the merits of the matter. All contentions are kept open. The authority which issued the show cause notice shall objectively assess the explanation or response/objection to be filed by the petitioner to the



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show cause notice dated 10.03.2026 and thereafter proceed in accordance with law.

15. Fifteen days time is granted from today to file response to the show cause notice.

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**

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CT: ASC
List No.: 1 Sl No.: 3