

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4<sup>TH</sup> DAY OF AUGUST 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 675 OF 2026 (S-RES)

C/W

WRIT PETITION NO. 35404 OF 2025 (S-RES) &

WRIT PETITION NO. 15057 OF 2026 (S-RES)

IN WA NO. 675/2026

BETWEEN:

1. SHIMOGA INSTITUTE OF  
MEDICAL SCIENCES  
SAGAR ROAD  
SHIMOGA-577 201  
REPRESENTED BY ITS DIRECTOR

...APPELLANT

(BY SRI JAYAKUMAR S PATIL, SENIOR ADVOCATE FOR  
SRI S B TOTAD, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS  
PRINCIPAL SECRETARY  
DEPARTMENT OF MEDICAL EDUCATION  
M S BUILDING  
BENGALURU-560 001
2. THE VICE CHAIRMAN AND  
GOVERNING COUNCIL  
SHIMOGA INSTITUTE OF



MEDICAL SCIENCES  
SAGAR ROAD  
SHIMOGA-577 201

3. DR. ASHWIN HEBBAR K  
S/O LATE K G HEBBAR  
AGED ABOUT 47 YEARS  
WAS WORKING AS  
ASSOCIATE PROFESSOR  
DEPARTMENT OF GENERAL SURGERY  
SHIMOGA INSTITUTE OF  
MEDICAL SCIENCES  
SAGAR ROAD  
SHIMOGA-577 201

4. VICTIM  
AGED ABOUT 29 YEARS  
R/AT NO.589  
BEHIND GANAPATHI TEMPLE  
GIRI DARSHINI LAYOUT  
ALANAHALLI POST  
MYSURU-570 028

**(AMENDED V/O DATED 20.07.2026)**

...RESPONDENTS

(SRI K SHASHI KIRAN SHETTY, ADVOCATE GENERAL  
A/W SRI MITHUN GAREHALLI AAG &  
SRI B RAVINDRANATH, AGA FOR R-1 & R-2;  
BY SRI SATISH K, ADVOCATE FOR C/R-3;  
SRI SANDESH T B, ADVOCATE FOR R-4)

THIS WRIT APPEAL IS FILED U/S 4 OF THE  
KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THE  
APPEAL FILED BY THE APPELLANT AND SET ASIDE THE  
INTERIM ORDER PASSED BY THE LEARNED SINGLE JUDGE  
IN WRIT PETITION NO.35404/2025 DATED 09.02.2026

WHICH IS NECESSARY IN THE INTEREST OF JUSTICE AND  
EQUITY.

**IN WP NO. 35404/2025**

**BETWEEN:**

1. DR. ASHWIN HEBBAR K  
S/O LATE G K HEBBAR  
AGED ABOUT 47 YEARS  
WAS WORKING AS  
ASSOCIATE PROFESSOR  
DEPARTMENT OF GENERAL SURGERY  
SHIMOGA INSTITUTE OF  
MEDICAL SCIENCES  
SAGAR ROAD  
SHIMOGA-577 201

...PETITIONER

(BY SRI SATISH K, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS  
PRINCIPAL SECRETARY  
DEPARTMENT OF MEDICAL EDUCATION  
M.S. BUILDING  
BANGALORE-560 001
2. THE VICE CHAIRMAN AND  
GOVERNING COUNCIL  
SHIMOGA INSTITUTE OF  
MEDICAL SCIENCES  
SAGAR ROAD  
SHIMOGA-577 201
3. THE DIRECTOR  
SHIMOGA INSTITUTE OF  
MEDICAL SCIENCES, SAGAR ROAD  
SHIMOGA-577 201

4. DR. ABCDE  
D/O RACHAPPA  
AGED ABOUT 29 YEARS  
R/AT NO.589  
BEHIND GANAPATHI TEMPLE  
GIRI DARSHINI LAYOUT  
ALANAHALLI POST  
MYSORE-570 028  
**(AMENDED V/O DT. 20.07.2026)**

...RESPONDENTS

(BY SRI K SHASHI KIRAN SHETTY, ADVOCATE GENERAL  
A/W SRI MITHUN GAREHALLI, AAG &  
SRI B RAVINDRANATH, AGA FOR R-1;  
SRI JAYAKUMAR S PATIL, SENIOR ADVOCATE FOR  
SRI S B TOTAD, ADVOCATE FOR R-2 AND R-3;  
SRI SANDESH T B, ADVOCATE FOR R-4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226  
OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH  
THE IMPUGNED ORDER DATED 17.11.2025 PASSED BY  
RESPONDENT NO.2 (ANNEXURE-M) INSOFAR AS SHIFTING  
OF LIEN OF THE PETITIONER FROM RESPONDENT NO.3-  
INSTITUTE TO HAVERI INSTITUTE OF MEDICAL SCIENCES  
AND REINSTATEMENT OF THE PETITIONER AT HAVERI  
INSTITUTE OF MEDICAL SCIENCES IS CONCERNED AND  
CONSEQUENTLY DIRECT THE RESPONDENTS TO  
REINSTATE THE PETITIONER IN RESPONDENT NO.3-  
INSTITUTE AND ETC.

**IN WP NO. 15057/2026**

**BETWEEN:**

1. DR. ASHWIN HEBBAR K  
S/O LATE G K HEBBAR  
AGED ABOUT 48 YEARS  
WAS WORKING AS  
ASSOCIATE PROFESSOR  
DEPARTMENT OF GENERAL SURGERY  
SHIMOGA INSTITUTE OF  
MEDICAL SCIENCES  
SAGAR ROAD  
SHIMOGA-577 201

...PETITIONER

(BY SRI SATISH K, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS  
PRINCIPAL SECRETARY  
DEPARTMENT OF MEDICAL EDUCATION  
M.S. BUILDING  
BANGALORE-560 001
2. THE VICE CHAIRMAN AND  
GOVERNING COUNCIL  
SHIMOGA INSTITUTE OF  
MEDICAL SCIENCES  
SAGAR ROAD  
SHIMOGA-577 201
3. THE DIRECTOR  
SHIMOGA INSTITUTE OF  
MEDICAL SCIENCES  
SAGAR ROAD  
SHIMOGA-577 201
4. THE VICE CHAIRMAN AND  
GOVERNING COUNCIL  
HAVERI INSTITUTE OF

MEDICAL SCIENCES  
HAVERI-581 110

...RESPONDENTS

(BY SRI K SHASHI KIRAN SHETTY, ADVOCATE GENERAL  
A/W SRI MITHUN GAREHALLI, AAG &  
SRI B RAVINDRANATH, AGA FOR R-1;  
SRI JAYAKUMAR S PATIL, SENIOR ADVOCATE FOR  
SRI S B TOTAD, ADVOCATE FOR R-2 AND R-3;  
SRI VINOD S PAWAR, ADVOCATE FOR R-4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226  
OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH  
THE IMPUGNED RESOLUTION DATED 06.03.2026 PASSED  
BY RESPONDENT NO.2 (ANNEXURE-S) AND THE IMPUGNED  
RESOLUTION DATED 06.03.2026 PASSED BY RESPONDENT  
NO.4 (ANNEXURE-T) INsofar AS IT RELATES TO  
ACCORDING POST FACTO APPROVAL FOR TRANSFER OF  
THE PETITIONER FROM RESPONDENT NO.2-INSTITUTE TO  
RESPONDENT NO.4-INSTITUTE AND CONSEQUENTLY  
DIRECT THE RESPONDENTS TO REINSTATE THE  
PETITIONER IN RESPONDENT NO.2-INSTITUTE AND ETC.

THIS WRIT APPEAL ALONG WITH WRIT PETITIONS  
HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON  
20.07.2026, COMING ON FOR PRONOUNCEMENT THIS DAY,  
**HON'BLE MR. JUSTICE D K SINGH** PRONOUNCED THE  
FOLLOWING:

CORAM: HON'BLE MR. JUSTICE D K SINGH  
and  
HON'BLE MR. JUSTICE T.M.NADAF

**CAV JUDGMENT**

(PER: HON'BLE MR. JUSTICE D K SINGH)

**I PREFACE:**

1. The present W.A.No.675/2026 has been filed by the Shimoga Institute of Medical Sciences (SIMS) challenging the interim order dated 09.02.2026 passed by the learned Single Judge in W.P.No.35404/2025.
2. Vide order dated 01.07.2026 passed by us, this appeal was clubbed with W.P.Nos.35404/2025 and 15057/2026 which are filed by Dr.Ashwin Hebbar K.
3. W.P.No.35404/2025 has been filed challenging the order dated 17.11.2025, whereby the order of suspension of the petitioner got revoked and he was temporarily transferred from SIMS to Haveri Institute of Medical Sciences, whereas, W.P.No.15057/2026 has been filed challenging the subsequent Resolutions dated 06.03.2026 which accorded post facto approval for the transfer of Dr. Ashwin Hebbar.

4. The appeal and the writ petitions are taken up together and disposed of by this common judgment and order.

**II FACTUAL BACKGROUND:**

5. Dr.Ashwin Hebbar was initially appointed as Senior Resident (Surgery) on a temporary basis at Shimoga Institute of Medical Sciences (SIMS) on 18.05.2007 and was later regularly appointed retrospectively from 01.08.2007. The first complaint of sexual harassment/molestation was lodged against Dr.Ashwin Hebbar on 12.08.2022 by Dr.A (the name has been withheld), who completed her MBBS degree from the SIMS from 2015 to 2021 and later worked as Junior Resident in the same College under the supervision of Dr.Ashwin Hebbar, the Associate Professor in the Department of Surgery and Outpatients. The incident happened on 15.07.2022. The complaint would read as under:-

*"On 15.07.2022 between 3.30 p.m. to 3.40 p.m. when Dr.A went to meet Dr.Ashwin Hebbar to enquire about her postgraduate degree and further education, he identified her as an old student, sat opposite the complainant, stared at the complainant's chest and squeezed the complainant's chest. The complainant objected to this and met Dr.Sridhar, a Medical Surgeon and filed*

*a written complaint. However, the department did not take any action against him for 25 days and therefore, Dr.A lodged the FIR at the Women's Police Station in Crime No.70/2022 under Section 354A of the Indian Penal Code."*

6. It appears that Dr.Ashwin Hebbar was arrested and thereafter, he came out on bail. After his arrest, he was suspended vide Government Order No.MED 337 MPS 2022 dated 21.07.2022. The suspension order was issued under Rule 33 of the Karnataka State Civil Services (Conduct) Rules, 2021 (for short 'the said Rules') with effect from 21.07.2022 till further orders pending departmental enquiry. After he was released on bail, he filed W.P.No.14846/2022 before this Court under Article 226 of the Constitution of India seeking to quash the Suspension Order dated 21.07.2022 and to restore all his benefits. Strangely, the writ Court granted an interim order of stay of his suspension and consequently, he was reinstated.

7. An Internal Complaint Committee was constituted as contemplated under the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as 'the POSH Act'). The

Internal Complaint Committee held enquiry and conciliation proceedings.

8. It is intrigue to note that the Internal Complaint Committee, instead of submitting its report on the gross misconduct, molestation and sexual abuse/harassment of the complainant-Dr.A, forced the complainant to withdraw the complaint acknowledging that she had known Dr.Ashwin Hebbar for 5 years as a General and Onco Surgeon. The complainant and Dr.Ashwin Hebbar had also acknowledged, as recorded by the Internal Complaint Committee in its conclusion that there would be no escalation further and thus, the Internal Complaint Committee closed the complaint of such a gross misconduct and sexual abuse of the girl student at the hands of Dr.Ashwin Hebbar, who otherwise should have been her saviour, Guru, guide and philosopher.

9. It is evident that Dr.A had agreed to withdraw the complaint under tremendous pressure exerted by Dr.Ashwin Hebbar and the Committee members on her, inasmuch as on the very next day i.e., 19.07.2022, she had approached the jurisdictional Deputy Commissioner and requested for re-enquiry. Accordingly, a Local Committee was constituted under

the POSH Act and the Local Committee held an enquiry on 19.07.2022 itself opining that *prima facie* the allegations of sexual harassment/abuse by Dr.Ashwin Hebbar were established and as the complainant was making a request for action under the said Rules, Dr.Ashwin Hebbar was kept under suspension.

10. We find another disturbing feature of this case that the writ Court, vide judgment dated 19.06.2024, allowed the writ petition and quashed the order of suspension dated 21.07.2022 with the following observations:-

*"9. It is indisputable that a Local Committee is constituted which has conducted an inquiry and opining on the very next day that a prima facie case is made out leading to the petitioner being kept under suspension. There is no material to place on record to establish that the decision to keep the petitioner under suspension is independent of the Local Committee's Report, and if the decision to keep the petitioner under suspension is primarily because of a report by the Local Committee which could not have been constituted in the*

*light of the provisions of Section 10(4) of the Act, the impugned order must necessarily yield and even otherwise, the petitioner must succeed because the petitioner cannot be kept under suspension without initiation of the departmental proceedings. However, the disposal of the petition for the aforesaid reasons cannot foreclose any remedy that would be available to the complainant or any action that the respondent may intend to take in accordance with law. In the light of the afore, the following:*

**ORDER**

*The petition is allowed, and the impugned order dated 21.07.2022 [Annexure-L] is quashed with the observations as aforesaid."*

11. It appears that no departmental enquiry has been held against Dr.Ashwin Hebbar for such a gross misconduct of him unbecoming a doctor, professor and Government servant. We are sure that having got emboldened initially by the interim order and by the said judgment of the writ Court and no departmental action against him, Dr.Ashwin Hebbar would have sexually harassed and abused several students in the past, but

the students did not come forward to complain about him for several reasons not difficult to think of. The professor of a medical college/institution enjoys a very dominant position and has power of giving marks in examinations particularly, internal examinations and viva voce. For the fear of their career as well as for getting defamed and facing further humiliation and harassment as he got scot-free, the students would not complain and only Dr.P, a student, mustered courage to lodge the complaint against him.

12. The aforesaid judgment was passed by the writ Court on 19.06.2024. In less than a year since then, another complaint came to be filed against Dr.Ashwin Hebbar by one Dr.P (name withheld), a second year postgraduate student, Department of General Surgery. The incident is dated 14.06.2025. On that day, the doctors of the D-Unit of the Department of Surgery had decided to hold a party at Sri Sai International Hotel, Shimoga at 8.00 p.m. as the thesis of Dr.Rakesh, a final year postgraduate student had been completed. The Unit Head, Dr.Ashwin Hebbar, Dr.Madhana Swamy, the postgraduate students and house doctors were participating in this party. Dr.P who was a second year postgraduate student in SIMS and

was working under the District Residential Program was also invited to this party on having been forcibly asked by Dr.Ashwin Hebbar to Dr.Rakesh to invite her. While sitting for the dinner at the party, Dr.Ashwin Hebbar made Dr.P sit next to him and sexually harassed her during dinner. Dr.P had filed a complaint with the Internal Complaint Committee on 19.06.2025. The complaint would read as under:-

*"... I was invited by my Senior Dr.Rakesh to dinner party on 14.06.2025 at Sri Sai International Hotel, Shimoga for celebrating his thesis completion. He invited me to the dinner as insisted by Dr.Ashwin Hebbar. We reached the venue at around 8.00 p.m. Several others attended the party along with me.*

*Dr.Ashwin Habbar asked me to sit beside him. So, I casually got seated next to him and was having dinner. Then, he sexually harassed me by inappropriately touching my thigh repeatedly and holding my hand under the table. This continued for about 20 to 25 minutes. I was shocked and could not process what was happening to me at that time. I could not react/respond or ask for help.*

*I am writing this complaint after thoroughly discussing with my family and friends, 4 days after the incident. I am very aggrieved, feeling uncomfortable and unsafe. I am lodging this complaint so that necessary disciplinary action will be taken for his misbehaviour and for terminating him from employment. I take this matter very seriously and hope that it will be taken seriously by the organization as well. I request you to investigate this matter and take appropriate action to ensure that these incidents do not happen to me or to any else again."*

13. An FIR at the Women's Police Station came to be registered on 20.06.2025 in Crime No.54/2025 under Section 75(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(w)(i) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Dr.Ashwin Hebbar was arrested on 26.06.2025 and remained in judicial custody till 04.07.2025 when he was granted bail. He was in custody for more than 48 hours. He was placed under suspension in terms of Rule 33 of the said Rules.

14. In the interim report dated 03.07.2025, the POSH Committee found the allegations *prima facie* true against

Dr.Ashwin Hebbar. In the final report dated 05.08.2025, the POSH Committee observed as under:-

*"On 14.06.2025, Dr.Ashwin Hebbar, the Head of D-Unit called Dr.Rakesh and told him to hold a thesis party for the doctors of D-unit on the same day in the evening at Sri Sai International Hotel. Dr.Ashwin Hebbar had instructed Dr.Rakesh to also invite Dr.P who had completed her postgraduate studies in D-Unit, to the party. Accordingly, Dr. Rakesh invited Dr. Madhana Swamy, a doctor from D-Unit, postgraduate students, Dr.Ajay, Dr. Jayasurya and house doctors Dr. Sanath Raghava, Dr.Sabhahat Takhi and Dr.Radhika. Around 8.00 to 8.30 p.m., everyone gathered at the hotel and after Dr.Ashwin Hebbar arrived, everyone went to the dining hall. While sitting down to eat, Dr.Ashwin Hebbar asked Dr.P to sit next to him. This was observed by Dr.Sanath and Dr.Sabhahat Thaki. Dr.P was sexually harassed while eating. Dr.Madhana Swamy, Dr.Rakesh, Dr.Sanath and Dr.Sabhahat Thaki observed) and after the victim complained, Dr.Ashwin*

*Hebbar called Dr.Madhana Swamy on phone and requested him to testify on his behalf (call recording)."*

*Therefore, the Committee is of the opinion that Dr.Ashwin Hebbar, who was sitting next to the victim Dr.P, sexually harassed her by holding her hand and touching her thighs. Similar complaint was filed against him before the Internal Complaint Committee in the year 2022.*

*The victim has requested that disciplinary action be taken against Dr.Ashwin Hebbar including his dismissal from work and cancellation of his medical licence.*

*The opinion of this Committee has been submitted for perusal, stating that necessary action should be taken against Dr.Ashwin Hebbar as per the KCSR, Bye Law Karnataka Civil Services (Conduct) Rules, 2021 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013."*

**III INSTITUTION'S RESPONSE AND UTTER FAILURE:**

15. So far so good. But the case takes another ugly turn hereafter. It appears that the Director of SIMS had written a letter dated 24.06.2025 to the Principal Secretary, Medical Education Department to initiate disciplinary proceedings against Dr.Ashwin Hebbar in view of the directions issued by the POSH Committee to hold the enquiry and submit report immediately as well as in view of the FIR registered against Dr.Ashwin Hebbar. The Director had again written a letter dated 30.06.2025 regarding the criminal case against Dr.Ashwin Hebbar, his arrest and his judicial custody which was till 04.07.2025, when he was granted bail. Thereafter, the Director once again wrote a letter requesting the Appointing Authority i.e., the Principal Secretary of Medical Education to place Dr.Ashwin Hebbar under suspension as per the provisions of Rule 33 of the said Rules inasmuch as he had been in police custody for more than 48 hours. It is also said that if the order of suspension was not issued, the postgraduate students would likely to go on a strike. Thereafter, on 03.07.2025, Dr.Ashwin Hebbar was placed under suspension, as stated above.

16. The Principal Secretary wrote a letter dated 28.08.2025 to submit the Articles of Charges to initiate departmental enquiry against Dr.Ashwin Hebbar. The Articles of Charges were forwarded to the Principal Secretary of the Medical Education Department on 12.11.2025.

17. Dr.Ashwin Hebbar submitted a representation dated 21.07.2025 i.e., within 18 days of suspension order to the Director of SIMS requesting his reinstatement in the services of the Institute. The said representation was forwarded by the Director on 08.09.2025 to the Principal Secretary, Medical Education Department. The Principal Secretary sought the opinion on 22.09.2025 with respect to reinstatement of Dr.Ashwin Hebbar into the service within one week based on the representation dated 21.07.2025 submitted by him. On this Letter dated 22.09.2025 written by the Principal Secretary, the Director had given his opinion on 06.10.2025, a written glowing encomium and him being indispensable to the SIMS without listing out his sins, and asking for his reinstatement. We will deal with this a little later. The Principal Secretary passed the order dated 17.11.2025, within four and half months from the date of his suspension, reinstating Dr.Ashwin

Hebbar into the service and transferring him temporarily to Haveri Institute of Medical Sciences until further orders. Dr.Ashwin Hebbar was relieved from SIMS on 29.11.2025. However, he did not report at Haveri Institute of Medical Sciences and this fact was brought to the notice of the Principal Secretary by the Director of SIMS on 22.12.2025.

18. Dr.Ashwin Hebbar filed W.P.No.35404/2025 challenging his transfer from SIMS vide order dated 17.11.2025, whereby he was reinstated into service, but transferred temporarily to Haveri Institute of Medical Sciences until further orders. He was aggrieved by his transfer.

19. Strangely enough, the writ Court, vide impugned order dated 09.02.2026, had stayed the temporary transfer of Dr.Ashwin Hebbar. from SIMS to Haveri Institute of Medical Sciences on the ground that the transfer can be made only if the resolutions are passed by the respective Governing Councils to relieve and accept the concerned person and as his transfer was not backed by the resolutions. The present W.A.No.675/2026 has been filed against the said order.

20. After the interim order dated 09.02.2026 was passed in W.P.No.35404/2025 staying the temporary transfer of

Dr.Ashwin Hebbar from SIMS to Haveri Institute of Medical Sciences, the said resolutions granting post facto approval for transfer also came to be challenged by Dr.Ashwin Hebbar by filing another writ petition in W.P.No.15057/2026 and the writ Court, vide order dated 12.05.2026, stayed the said resolutions as well.

21. Thus, the institutions and those who have duty to protect the dignity, honour and provide justice to the victims of sexual abuse failed Dr.P in her pursuit to get justice. Staying the transfer of Dr.Ashwin Hebbar was like adding salt to the injury of the victim who would face him everyday in the SIMS.

#### **IV PROCEEDINGS IN THE PRESENT WRIT OF APPEAL:**

22. On 02.06.2026, we passed the following order:

*"Notice on behalf of the respondent has been accepted by Mr.Satish, learned counsel who is on caveat on behalf of respondent No.3, who is accused of sexually harassing/molesting a Post Graduate student of Second year course (General Medicine).*

*A similar complaint was filed against the 3<sup>rd</sup> respondent in 2022. Within three*

*years, this is the second incident where the respondent No.3 has been found guilty of sexually harassing/molesting his student. The Internal Complaint Committee in a detailed inquiry has found him guilty of sexually harassing/molesting the Second year Post Graduate student.*

*The learned Single Judge solely on the ground that the transfer order was not backed by a Board Resolution has stayed the transfer order. The post facto resolution of the Board has been placed on record.*

*A teacher who has been found guilty of sexually harassing/molesting his own student cannot remain in the same institution and this would add salt to the injury of the victim, humiliation and trauma to her who will face such a teacher every day in the Institute. We, therefore, in the facts and circumstances of the case are of the view that the post facto approval of the transfer is valid, and transfer of the respondent No.3 was required to be given effect to with immediate effect to some other Institution, to conduct a fair and*

*impartial inquiry on allegation of sexual harassment/molestate by him to his own students. At the moment we are not observing further, but we will pass a detailed order after the pleadings get completed.*

*Therefore, we stay the impugned order passed by the learned Single Judge.*

*Let the response to the appeal be filed by the respondent No.3, within a period of 10 days from today.*

*Post this appeal on 15.06.2026."*

23. On 15.06.2026, we issued notice to Mr.Mohammed Mohsin, Principal Secretary to the Government of Karnataka and Vice-Chairman of the Governing Council, Institute of Medical Sciences, Shimoga to file his personal affidavit for his order dated 17.11.2025 withdrawing the suspension of Dr.Ashwin Hebbar. The said order would read as under:-

*"Issue notice to Mr. Mohammed Mohsin,  
Principal Secretary to Government and  
Vice-Chairman of Governing Council,  
Institute of Medical Sciences, Shimoga  
to file his personal affidavit for his order*

*passed on 17.11.2025 for withdrawing the suspension of Dr. Ashwin Hebbar, Associate Professor, Department of General Surgery, SIMS Shivamoga.*

*Dr. Ashwin Hebbar is accused of Molestation and sexual abuse of a second year post-graduate student whose modesty was outraged by said Dr. Ashwin Hebbar in a party. The charge against him stands proved in the report submitted by the Internal Complaint Committee. This is the second instance where such a complaint has been made against Dr. Ashwin Hebbar. Despite Such a serious charge against Dr. Ashwin Hebbar, vide order dated 17.11.2025. Mr.Mohammed Mohsin, Principal Secretary has ordered for the reinstatement and revocation of the suspension order. We therefore, direct him to file his personal affidavit for necessary direction referring the matter to the DoPT, for taking appropriate action against such an officer, who is totally oblivious to the sensitivity of the matter and appears to have scant concerns for the women*

*safety and dignity and their well being at the workplace.*

*Let the affidavit be filed within a period of 10 days from today. Let the affidavit be also filed by the Director, who has recommended for reinstatement and revocation of suspension of Dr. Ashwin Hebbar.*

*Let the order passed by this Court be communicated to Principal Secretary and Director of Shimoga Institute of Medical Sciences by Sri. S.B.Totad, learned counsel for the appellant-Institute and the learned Additional Government Advocate for the Government for necessary compliance. We direct their personal presence before this Court on the next date of hearing i.e., on 01.07.2026."*

24. In compliance of the directions issued by this Court, Mr.Mohammed Mohsin, Principal Secretary to Government and Vice-Chairman of the Governing Council, SIMS and Dr.Virupakshappa V, Director, SIMS had filed their personal affidavits. Having read those affidavits, on 01.07.2026, we passed the following order:-

*"In compliance of the order dated 15.06.2026 Mr.Mohammed Mohsin, Principal Secretary to Government and Vice-Chairman of the Governing Council, Shimoga Institute of Medical Sciences and Dr. Virupakshappa V, Director, Shimoga Institute of Medical Sciences have filed their personal affidavits before the Court.*

*2. However, Mr. Mohammed Mohsin is not present in person and an application-I.A.No.3/2026 has been filed seeking his exemption from appearance today in the Court for the reason that he is in abroad in respect of an official engagement which was finalized before the order dated 15.06.2026 came to be passed.*

*3. Considering the contents of the application, I.A.No.3/2026 is allowed. We direct Mr. Mohammed Mohsin, Principal Secretary to Government and Vice-Chairman of the Governing Council, Shimoga Institute of Medical Sciences to be present before the Court on the next date of posting.*

4. So far as Dr. Virupakshappa V, Director of Shimoga Institute of Medical Sciences is concerned, he is present in person before the Court. In the personal affidavit filed by him, we find no plausible explanation for the recommendation to the Principal Secretary, Department of Medical Education, Government of Karnataka, recommending revocation of suspension of Dr. Ashwin Hebbar, Associate Professor, Department of General Surgery, Shimoga Institute of Medical Sciences. While Dr. Virupakshappa has praised Dr. Ashwin Hebbar and almost read out encomium in his favour, he has failed to mention about Dr. Ashwin Hebbar's past misconduct of similar nature and has also not mentioned the findings of the Internal Complaint Committee, lodging of the FIR, his arrest etc., but has recommended for reinstatement of such a doctor in the same institution by revoking his suspension order. It appears that Dr. Virupakshappa, the Director of Shimoga Institute of Medical Sciences has put all efforts to save Dr. Ashwin

*Hebbar, and it will be difficult for the victim to expect justice for the harassment, she faced from Dr. Ashwin Hebbar.*

*5. We are sure that only two cases have come to light. Dr. Ashwin Hebbar appears to be an incorrigible person and such a person is being protected by none other than the head of the institute. We are not satisfied with the explanation offered by Dr. Virupakshappa who is present in person today. We direct him to file his further affidavit for passing further order in the matter.*

*6. Post this appeal along with W.P.Nos.35404/2025 and 15057/2026 on **13.07.2026**.*

*7. On the said date, Dr. Virupakshappa, Director of Shimoga Institute of Medical Sciences, as well as Mr. Mohammed Mohsin, Principal Secretary to Government and Vice-Chairman of Governing Council, Shimoga Institute of Medical Science, shall remain present before this Court."*

25. The recommendation dated 06.10.2025 was made by the Director of SIMS to the Principal Secretary, Government of Karnataka, Department of Medical Education on the request of Dr.Ashwin Hebbar to reinstate him into service and revoke the suspension. It appears that Dr.Ashwin Hebbar is a well connected and powerful person. He got written several letters from the political persons as well as NGOs etc., for revocation of his suspension. Buckling down under pressure, the Principal Secretary asked the Director of SIMS to make a recommendation for revocation of the suspension of Dr.Ashwin Hebbar. The Director was ever obliged to write encomium for Dr.Ashwin Hebbar, without mentioning any word about his misconduct, past and present, in his letter. The recommendation dated 06.10.2025 would list out the following facts:-

(i) Dr. Ashwin Hebbar under suspension was facing departmental enquiry in a case of sexual harassment.

(ii) The Government servant was unnecessarily suspended from service for a long period of time in connection with the disciplinary measures, and continuous suspension

would not only cause unnecessary financial burden to the Government, but would also cause harassment to the Government servant and would also hinder the disposal of the case.

(iii) Dr.Ashwin Hebbar has completed his super-specialty training in Surgical Oncology through the department and is working at the institute. He has performed 647 surgeries in General Surgery from July 2021 to June 2025 and 382 surgeries in Cancer Surgery. Total 1029 patients have undergone surgery and an amount of Rs.1,47,20,030/- has been collected for the organization at ABARK. Revocation of his suspension would benefit a number of patients.

(iv) He has published about 19 national and international journals since joining the service of the organization and is currently working on 2 projects. He is a teacher. His teachings are essential for UG and PG students in the Department of General Surgery and he is an examiner in several UG and PG examinations.

(v) Dr.Ashwin Hebbar is guiding 4 postgraduate surgery students and his continuous guidance would be necessary for the students to present their thesis.

(vi) He is the head of the unit and according to the National Medical Council, his services are very much needed by the organization.

(vii) The current institution has started a super-specialty hospital. Since he is a super specialist in Surgical Oncology, his services are self-sufficient in treating the patients, and the institution would benefit from grants from ABARK.

26. The Director also makes references to the representations made by some public, local organizations and political persons for revocation of suspension of Dr.Ashwin Hebbar. It was said that as Dr.Ashwin Hebbar had been suspended, many patients were resorting to private hospitals for treatment related to cancer and complex surgeries due to the unavailability of his services. The poor patients were financially affected and were facing a lot of trouble. Only backward community people, muslims and poor patients come to the Government hospital and therefore, in the interest of public and patients, particularly economically backward class and keeping in mind the concerns of the society, the suspension of Dr.Ashwin Hebbar would not be in the interest of the institution and the public in general.

The final recommendation given by the Director would read as under:-

*"It is my understanding that the reinstatement of Dr.Ashwin Hebbar, Associate Professor, pending the departmental inquiry, as per the NMC, would be of great benefit to the institution and the hospital in the interest of treatment of patients and teaching of UG and PG students."*

27. In paragraph 7 of the affidavit filed by Mr.Mohammed Mohsin in compliance of the order dated 15.06.2026, it is stated as under:-

*"7. I state that on 06.10.2025, the Director of the Appellant institution addressed a letter to the Principal Secretary, Medical Education Department, Government of Karnataka, seeking reinstatement of Respondent No.3 to the Appellant institution on the ground that he is the only Super-Specialist Surgeon available in Oncology department, that his services are necessary for the institution, and that the general public and local*

*organisations have requested his services. It was further stated that Respondent No.3 is the Head of the Department and that the Appellant institution requires his services to fulfil the criteria under the NMC guidelines. Copy of the letter dated 06.10.2025 is herewith produced as ANNEXURE - R3 for kind perusal of this Hon'ble Court."*

28. It is further said that the Director of the Institute had given false information that there was only one Associate Professor in the Institute. It is said that for the serious charge against Dr.Ashwin Hebbar, the Government did not agree to reinstate him in the services of the SIMS as recommended by the Director of the institution vide his Letter dated 06.10.2025. After withdrawing the suspension, he was transferred to the Haveri Institute of Medical Sciences. However, Mr.Mohammed Mohsin has withheld the information on his affidavit that he had directed the Director, SIMS, vide Letter dated 22.09.2025, to make recommendation on the representation dated 21.07.2025 submitted by Dr.Ashwin Hebbar for revocation of his suspension.

**V. THE ORDER DATED 01.07.2026**

29. When we found that the authorities and institutions had failed Dr.P in her pursuit for justice, and have been completely insensitive to the humiliation, harassment and pain of the girl student subjected to sexual abuse/harassment by Dr.Ashwin Hebbar, we passed the order dated 01.07.2026, which we have already extracted above.

30. No one could expect justice to the victims of Dr.Ashwin Hebbar when the institutions and authorities, who owe a moral and a statutory duty to protect the dignity and honour of the students, come to the aid of the accused.

**VI ORDER DATED 13.07.2026**

31. On 13.07.2026, we passed the following order:-

*"An affidavit has been filed by Dr.Virupakshappa.V, Director of Shimoga Institute of Medical Sciences, making his stand clear on his recommendation dated 06.10.2025 to the Principal Secretary, Government of Karnataka, Medical Education Department, recommending the revocation of suspension of accused*

*Dr. Ashwin Hebbar, and recommending his continuation at Shimoga, against his transfer.*

*In sum and substance, the material placed along with the affidavit reveals that all relevant facts were brought to the notice of the Principal Secretary, in respect of case against Dr.Ashwin Hebbar. These facts would also include the previous offence by him involving the sexual assault on an intern at the Shimoga Institute of Medical Sciences, pursuant to which he was taken into custody and an FIR was registered and the second instance of molesting the second year postgraduate student, in respect of which another FIR came to be registered, he was arrested, bailed out and the Internal Complaint Committee had found allegations against Dr. Ashwin Hebbar correct.*

*The submission is that, pursuant to Principal Secretary directing the Director to submit another recommendation for revocation of the suspension, the Director addressed a communication dated 06.10.2025 recommending the revocation of the*

*suspension of Dr.Ashwin Hebbar, for not transferring him to other place.*

*We would like a response from Mr.Mohammed Mohsin, I.A.S, Principal Secretary to the Government of Karnataka and Vice-Chairman of the Governing Council, Shimoga, Institute of Medical Sciences on this affidavit by the Director.*

*Let the response to the affidavit of Dr. Virupakashappa.V filed by the Mr.Mohammed Mohsin, I.A.S, Principal Secretary of Government of Karnataka, within a period of one week.*

*Post these matters on 20.07.2026.*

*Let Dr.Virupaksha.P and Dr.Mohammed Mohsin, I.A.S., be present on the next date of posting."*

32. As directed by us vide order dated 13.07.2026, further affidavit was filed by Mr.Mohammed Mohsin, Principal Secretary, Department of Medical Education, trying to put the blame squarely on the Director in view of the letter of recommendation dated 06.10.2025 by the Director, wherein he wrote encomium for Dr.Ashwin Hebbar and stated that he had

acted only on the recommendation of the Director of the Institute. Whereas, Dr.Virupakshappa .V, Director of SIMS, has tried to explain the recommendation dated 06.10.2025 upon asking by the Principal Secretary.

33. Paragraph 20 of the affidavit dated 08.07.2026 filed by Mr.Virupakshappa V, Director of SIMS, discloses that he had given his opinion regarding the reinstatement of Dr.Ashwin Hebbar on the basis of the notification issued by the State Government dated 25.11.2020. The said paragraph 20 reads as under:-

*"20. I state that based on the letter issued by the Principal the Secretary, Medical Education Department I have written my opinion Dated 06.10.2025 regarding reinstatement of the Respondent No 3 based on the Notification issued by the State Government Dated 25.11.2020 in reference to the Rule 10 of the Karnataka Civil Service Rules 1957 that an employee cannot be kept under suspension for a period of more than 6 months."*

34. However, Rule 10(5)(b) of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 provides that if a departmental inquiry ***is not initiated or a charge sheet is not filed before the competent court within a period of six months from the date of suspension***, the competent authority must review the suspension and decide whether to continue or revoke it. Rule 10(5)(b) reads as under:

*"(b) If departmental inquiry is not commenced against the delinquent Government Servant or charge sheet is not filed in the court within a period of six months from suspension, the competent authority shall decide whether to revoke or continue suspension of such Government Servant and unless decided and ordered for continuation within this period, the suspension shall be deemed to have been revoked i.e., from the date of completion of a period of six months from the date of suspension. Upon such revocation of the order of his suspension, it shall be the duty of the Government servant to immediately seek order of posting from the Appointing Authority, failing which he shall be deemed to be on unauthorized absence with effect from the*

*date of revocation of the order of his suspension."*

35. In the present case, the charge sheet was already issued on 12.11.2025, therefore, pending enquiry, there was no occasion for withdrawing the suspension order within four and half months from the date of suspension for such a gross misconduct.

#### **VII CONCLUSION:**

36. We have no manner of doubt that the Director as well as the Principal Secretary, Department of Medical Education have been totally insensitive to the honour, dignity, humiliation, harassment and sexual abuse suffered by the students. They themselves have committed gross misconduct of protecting an accused who is facing the charges of sexually abusing and harassing his own students. As we have noted, only two complainants could muster the courage to come forward. There could have been several girl students who would have been victims of Dr.Ashwin Hebbar. Dr.Ashwin Hebbar, who is a teacher/Associate Professor and expected to act as Guru, guide and philosopher for the students, victimised them by sexually abusing and harassing them.

37. We would like to quote the following Doha of Saint Kabir Das and English translation thereof wherein, the place of a 'Guru' is highlighted to the highest pedestal:-

*"GURU GOVIND DOU KHADE, KAKE  
LAGUN PAYE? BALIHARI GURU AAPNE,  
GOVIND DIYO BATAYEIN"*

*"Both the Guru and God are standing  
before me; at whose feet should I bow?  
Glory be to the Guru, for it is he who  
revealed God to me"*

38. The incidents which we have stated above are just opposite to the Doha and undermine it, with the Gurus like the one involved in this case, turns down the entire meaning of Doha. The misconduct of Dr.Ashwin Hebbar, in a professional college in this era, amounts to giving 'chilling effect to the spine'. Given the facts and circumstances of the case, any technicalities such as the one considered by the writ Courts, the absence of resolution for transfer while passing the interim order in W.P.No.35404/2025 and the post facto approval of transfer of Dr.Ashwin Hebbar by means of the resolutions in W.P.No.15057/2026, become secondary.

39. For the foregoing reasons, we recommend disciplinary action against Dr.Virupakshappa, Director of the Institute as well as against Mr.Mohammed Mohsin, Principal Secretary/Additional Chief Secretary and they should be proceeded with.

40. The Department of Personnel and Training, Government of India and the State Government are directed to take appropriate action against Mr.Mohammed Mohsin, IAS, Principal Secretary/ Additional Chief Secretary, Department of Medical Education. The State Government is directed to take departmental proceedings against Dr. Virupakshappa, Director of the SIMS forthwith. We are of the view that they have conducted themselves unbecoming of Government servants in the matter of sexual abuse/harassment of the girl students of the SIMS by Dr.Ashwin Hebbar and protecting the accused.

41. We are also at pain to note that the writ Court has also been insensitive while staying the transfer of Dr.Ashwin Hebbar without having any concern that how the students who had faced sexual harassment, humiliation and pain in the hands of Dr.Ashwin Hebbar would feel facing him everyday in the institution. Extraordinary situations demand extraordinary

solutions and therefore, the post facto approval of his transfer from SIMS to Haveri Institute of Medical Sciences cannot be said to be in any manner against the law. As we have noticed above, the institutions and authorities have failed the victims of sexual abuse by Dr.Ashwin Hebbar in their pursuit to justice.

42. The Supreme Court, in the case of **UNION OF INDIA AND OTHERS vs DILIP PAUL [2023 SCC OnLine SC 1423]**, has held that in cases involving allegations of sexual harassment, where the complainant's testimony inspires confidence, it must be given due weight, and misplaced sympathy or unwarranted leniency towards the delinquent employee is impermissible. The relevant paragraph is extracted hereunder:

*"45. As regards the manner in which the court ought to exercise its powers of judicial review in matters of disciplinary proceedings particularly one pertaining to sexual harassment, this Court in Apparel Export Promotion Council v. A.K. Chopra, (1999) 1 SCC 759 observed that the courts should not get swayed by insignificant discrepancies or hyper-technicalities. The allegations must be appreciated in the background of the*

*entire case, and the courts must be very cautious before any sympathy or leniency is shown towards the delinquent. It further held that the courts are obliged to rely on any evidence of the complainant that inspires confidence. The relevant observations are reproduced below:—*

*"28. ... In a case involving charge of sexual harassment or attempt to sexually molest, the courts are required to examine the broader probabilities of a case and not get swayed by insignificant discrepancies or narrow technicalities or the dictionary meaning of the expression "molestation". They must examine the entire material to determine the genuineness of the complaint. The statement of the victim must be appreciated in the background of the entire case. Where the evidence of the victim inspires confidence, as is the position in the instant case, the courts are obliged to rely on it. Such cases are required to be dealt with great sensitivity. Sympathy in such cases in favour of the superior officer is wholly misplaced and mercy has no relevance. The High Court overlooked the ground realities and ignored the fact that the conduct of the*

*respondent against his junior female employee, Miss X, was wholly against moral sanctions, decency and was offensive to her modesty. Reduction of punishment in a case like this is bound to have demoralising effect on the women employees and is a retrograde step. There was no justification for the High Court to interfere with the punishment imposed by the departmental authorities. The act of the respondent was unbecoming of good conduct and behaviour expected from a superior officer and undoubtedly amounted to sexual harassment of Miss X and the punishment imposed by the appellant was thus commensurate with the gravity of his objectionable behaviour and did not warrant any interference by the High Court in exercise of its power of judicial review.*

*"29. At the conclusion of the hearing, learned counsel for the respondent submitted that the respondent was repentant of his actions and that he tenders an unqualified apology and that he was willing to also go and to apologise to Miss X. We are afraid, it is too late in the day to show any sympathy to the respondent in such a case. Any lenient action in such a case is bound to have demoralising effect on working women.*

*Sympathy in such cases is uncalled for  
and mercy is misplaced."*

*(Emphasis supplied)*

43. Dr.Ashwin Hebbar is a wolf in white coat. He must be proceeded not only with the pending disciplinary proceedings expeditiously, but also by the National Medical Commission and if found guilty, his license should be cancelled. We, therefore, not only allow the writ appeal, but also dismiss the writ petitions. Let a copy of the judgment be sent to the National Medical Commission for taking appropriate action against Dr.Ashwin Hebbar.

44. The person who is facing such a serious charge of sexual abuse and harassment of his own students has to remain suspended and therefore, we, in exercise of our extraordinary jurisdiction, cancel the order dated 17.11.2025, whereby Dr.Ashwin Hebbar's suspension was revoked. He shall remain suspended till the disciplinary enquiry gets completed and appropriate order of punishment is passed. However, he shall remain attached with Haveri Institute of Medical Sciences.

45. Pending IAs, if any, do not survive for consideration and accordingly, they stand disposed of.

**WA No. 675 of 2026**  
**C/W WP No. 35404 of 2025**  
**WP No. 15057 of 2026**

46. Let a copy of the judgment be forwarded forthwith to the Chief Secretary, State of Karnataka; the Secretary, Ministry of the Department of Personnel and Training, Union of India; and the Secretary, National Medical Commission forthwith for necessary compliance.

**Sd/-**  
**(D K SINGH)**  
**JUDGE**

**Sd/-**  
**(T.M.NADAF)**  
**JUDGE**

BKV  
CT:SN