

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CIVIL CONTEMPT PETITION NO.933 OF 2023

C/W

WRIT APPEAL NO.928 OF 2023 (S-RES)

WRIT APPEAL NO.114 OF 2024 (S-RES)

IN CCC No. 933/2023

BETWEEN:

DR. ADNAN SAEED
S/O ISMAIL BAIG
AGED ABOUT 47 YEARS
NO.22, AGA ABBAS ALI ROAD
HALASOOR ROAD CROSS
BANGALORE -560 042

...COMPLAINANT

(BY SMT. JAYNA KOTHARI, SENIOR COUNSEL FOR
SRI. NAVEEN CHANDRA. V., ADVOCATE)

AND:

1. SMT. VANDITA SHARMA
CHIEF SECRETARY
GOVERNMENT OF KARNATAKA
ROOM NO.320, 3RD FLOOR
VIDHANA SOUDHA
BENGALURU- 560 001

2. SRI. JAWAID AKHTAR
ADDL. CHIEF SECRETARY/SECRETARY TO GOVT.
MEDICAL EDUCATION DEPARTMENT
ROOM NO.611, 6TH FLOOR
4TH PHASE, M.S. BUILDING
BENGALURU - 560 001

3. SRI. ANIL KUMAR T.K.
PRINCIPAL SECRETARY
DEPARTMENT OF HEALTH AND FAMILY WELFARE
NO.105, 1ST FLOOR
VIKAS SOUDHA
BENGALURU - 560 001

4. DR. RAMESH KRISHNA K.
DIRECTOR AND DEAN
BENGALURU MEDICAL COLLEGE AND
RESEARCH INSTITUTE (BMCRI)
FORT, KRISHNA RAJENDRA ROAD
BENGALURU - 560 002

...ACCUSED

5. THE STATE OF KARNATAKA
MEDICAL EDUCATION DEPARTMENT ROOM
NO.611, 6TH FLOOR
M.S. BUILDING
BENGALURU - 560 001
REP. BY ITS SECRETARY

...PRO-FORMA RESPONDENT

(BY SRI. MOHAMMED AYUB ALI, ADV. FOR A4;
SRI. VIKAS ROJIPURA, AGA FOR PRO-FORMA R5;
A1 TO A3 ARE SERVED AND UNREPRESENTED)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE
CONTEMPT OF COURTS ACT 1971, AND THE CONTEMPT OF

COURT PROCEEDING RULES, 1987 R/W ARTICLE 215 OF THE CONSTITUTION OF INDIA, PRAYING TO INITIATE APPROPRIATE CONTEMPT PROCEEDINGS AGAINST THE ACCUSED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971 R/W ARTICLE 215 OF THE CONSTITUTION OF INDIA FOR DELIBERATE DISOBEDIENCE OF THE ORDER PASSED BY THIS COURT DATED 05.04.2023 IN W.P.NO.25219/2022 (S-RES) PRODUCED AS ANNEXURE-A.

IN WA NO. 928/2023

BETWEEN:

BANGALORE MEDICAL COLLEGE AND
RESEARCH INSTITUTE, K R ROAD
FORT, BANGALORE-560 002
BY ITS DIRECTOR AND DEAN

...APPELLANT

(BY SRI. MALIPATIL P. S.,ADVOCATE)

AND:

1. DR. ADNAN SAEED
S/O ISMAIL BAIG
AGED ABOUT 47 YEARS
R/AT 22, AGA ABBAS ALI ROAD
HALASOOR ROAD CROSS
BANGALORE - 560 042
2. STATE OF KARNATAKA
DEPT. OF MEDICAL EDUCATION
M S BUILDING, BANGALORE-560 001
BY ITS PRL. SECRETARY
3. THE STATE OF KARNATAKA

DEPT. OF HEALTH AND FAMILY WELFARE
 NO.32, 1ST CROSS ROAD
 KESHAVA NAGAR, BINNIPET
 BANGALORE-560 023
 BY ITS PRL. SECRETARY

4. THE ENQUIRY OFFICER
 BMC AND RI, FORT
 K R ROAD, BANGALORE-560 002

...RESPONDENTS

(BY SMT. JAYNA KOTHARI, SENIOR COUNSEL FOR
 SRI. NAVEEN CHANDRA V., ADV. FOR R1;
 SRI. VIKAS ROJIPURA, AGA FOR R2 & R3;
 R4 IS SERVED AND UNREPRESENTED)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
 HIGH COURT ACT, PRAYING TO ALLOW THE ABOVE WRIT APPEAL
 AND SET ASIDE THE ORDER DTD. 05-04-2023, PASSED BY THE
 LEARNED SINGLE JUDGE IN WP No.25219/2022 DISMISS THE
 WRIT PETITION WITH COSTS.

IN WA NO. 114/2024

BETWEEN:

1. THE STATE OF KARNATAKA
 REP. BY PRINCIPAL SECRETARY
 DEPARTMENT OF MEDICAL EDUCATION
 ROOM NO. 611, 6TH FLOOR
 M.S. BUILDING
 AMBEDKAR VEEDHI
 BANGALORE -560 001
2. THE STATE OF KARNATAKA
 REP. BY PRINCIPAL SECRETARY
 DEPRATMENT OF HEALTH AND FAMILY WELFARE
 ROOM NO.105, 1ST FLOOR
 VIKASA SOUDHA

AMBEDKAR VEEDHI
BANGALORE - 560 001

...APPELLANTS

(BY SRI. VIKAS ROJIPURA, AGA)

AND:

1. DR. ADNAN SAEED
S/O ISMAIL BAIG
AGED ABOUT 46 YEARS
NO.22, AGA ABBAS ALI ROAD
HALASOOR CROSS ROAD
BANGALORE - 560 042
2. BANGALORE MEDICAL COLLEGE AND
RESEARCH INSTITUTE (BMRCI)
REP. BY DIRECTOR
FORT, KRISHNA RAJENDRA ROAD
BENGALURU - 560 002
3. THE INQUIRY OFFICER
BANGALORE MEDICAL COLLEGE
AND RESEARCH INSTITUTE (BMRCI)
FORT, KRISHNA RAJENDRA ROAD
BANGALORE - 560 002

...RESPONDENTS

(BY SMT. JAYNA KOTHARI, SENIOR COUNSEL FOR
SRI. NAVEEN CHANDRA V., ADVOCATE FOR R1;
SRI. MALIPATIL P.S., ADV. FOR R2 TO R3)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER
DATED 05.04.2023 IN WP NO.25219/2022.

THESE CCC AND WRIT APPEALS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 21.07.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

The Contempt of Court case is filed alleging non-compliance of the Order of the learned Single Judge dated 05.04.2023 passed in W.P.No.25219/2022 (S-RES). Writ Appeals No.928/2023 and 114/2024 are filed challenging the same Order.

2. We have heard Smt. Jayna Kothari, learned Senior Counsel as instructed by Shri. Naveen Chandra V., learned Advocate appearing for the Complainant in the Contempt of Court case and respondent No.1 in the writ appeals; Shri. Vikas Rojipura, learned Additional Government Advocate appearing for the State in the Contempt of Court case and the Writ Appeals; Shri. Mohammed Ayub Ali, learned counsel appearing for accused No.4 and Shri. Malipatil P.S. learned counsel appearing for

the appellant in W.A.No.928/2023 and respondents No.2 and 3 in W.A.No.114/2024.

3. The brief facts of the case are as follows:-

The writ petitioner/respondent No.1 was appointed as an Intensive Care Medical Officer in the Department of General Surgery, Bangalore Medical College and Research Institute ("BMCRI" for short), by order dated 27.10.2009. He completed his two-year probationary period on 21.10.2011, which was declared satisfactory by letter dated 03.06.2012.

The Department of Health and Family Welfare issued a Government Order dated 07.08.2013 governing in-service candidates pursuing super specialty courses, including the conditions relating to compulsory government service following completion of such courses. Respondent No.1 qualified as an in-service candidate, and was granted a seat at the Kidwai Memorial Institute of Oncology ("KMIO" for short) to pursue the M.Ch Surgical Oncology course. On 13.08.2015, he executed a bond in relation to his deputation, and having been relieved from BMCRI, he joined the M.Ch course at KMIO on 31.08.2015. He completed the

three-year course over the period 2015–2018 and was relieved from deputation on 08.08.2018.

On 09.08.2018, respondent No.1 submitted a joining letter to the Additional Chief Secretary, Department of Medical Education, requesting a posting as Assistant Professor at KMIO, on the basis that a vacancy existed there and that there was no Surgical Oncology position at BMCRI. Thereafter, and until his resignation in August 2021, he was not given any posting neither at KMIO nor at BMCRI. On 27.08.2021, he tendered his resignation.

By notice dated 11.04.2022, BMCRI declined to accept the resignation, citing the Government Order dated 07.08.2013, and directed respondent No.1 to report within seven days. A further notice to report was issued on 06.05.2022, to which respondent No.1 responded by a detailed reply dated 03.06.2022 stating that he was resigning for not being assigned a post for three years. On 15.07.2022, BMCRI issued a further show cause notice alleging continuous unauthorized absence, to which

respondent No.1 replied on 18.08.2022. By order dated 21.10.2022, a domestic inquiry was initiated against him.

Thereafter, respondent No.1 filed W.P.No.25219/2022 (S-RES) before this Court challenging the Government Order dated 07.08.2013, the notices dated 11.04.2022, 06.05.2022 and 15.07.2022, and the order dated 21.10.2022, and seeking acceptance of his resignation. By order dated 05.04.2023, the learned Single Judge allowed the writ petition, partly accepted the Government Order dated 07.08.2013 in terms of the judgment of the Apex Court in ***Association of Medical Super Speciality Aspirants and Residents & Ors. v. Union of India & Ors.*** reported in ***(2019) 8 SCC 607***. The learned Single Judge held that the Bond executed by respondent No.1 in favour of the State mandating compulsory service till retirement with no eligibility for voluntary retirement is liable to be quashed, and that the appellant-Authorities ought to have accepted the letter of resignation dated 03.06.2022. Thereafter, the learned Single Judge quashed the notices dated 11.04.2022, 06.05.2022 and 15.07.2022

and the Order dated 21.10.2022 and directed the Chief Secretary to pay salary to respondent No.1 for the period for which no posting was given, and to hold an enquiry and file a report within six months.

W.A.No.928/2023 and W.A.No.114/2024 are filed challenging the Order dated 05.04.2023, and the contempt petition has been filed alleging non-compliance with the same order.

4. The learned Additional Government Advocate appearing for the appellants in Writ Appeal No.114/2024 contends that the learned Single Judge incorrectly applied the reasoning of ***Association of Medical Super Specialty Aspirants'*** case (supra). The learned Single Judge having noted that bonds and compulsory government service were held to be good in law granted the relief sought and proceeded on the fallacious understanding that the Apex Court had reduced the bond period to two years. It is contended that the Apex Court, having considered the reasonableness of the bond period, only directed the State Governments to 'consider' imposing a condition of

compulsory service of two years and that the final decision on the duration was left to the State Governments. On this ground alone, the impugned order is liable to be set aside.

5. It is further contended that respondent No.1 did not properly report for duty. After being relieved from KMIO, respondent No.1 simply wrote a letter to appellant No.1 on 09.08.2018 stating that he was seeking a post as an Assistant Professor at KMIO, whereas he was supposed to have reported to his parent institute - BMCRI until he was assigned a new posting. It is also contended that respondent No.1 agreed to the conditions of deputation and signed the bond voluntarily. Having applied for the M.Ch Surgical Oncology as an in-service candidate and on that secured deputation and funding from the Government, he accepted the terms and conditions of the Government Order dated 07.08.2013 and joined KMIO aware that the bond dated 13.08.2015 specified that he had to serve the government until retirement as a pre-condition imposed for the BMCRI to depute him.

6. It is further submitted that respondent No.1 owes a duty to the Government and to the general public to render service. It is contended that this Court was incorrect in issuing directions to the Chief Secretary to recover loss. It is further contended that the learned Single Judge erred in holding that respondent No.1 was entitled to his salary and that the Chief Secretary was to conduct an enquiry and recover the loss. It is further contended that the initiation of disciplinary proceedings was justified as respondent No.1 did not rejoin his parent Institute and the learned Single Judge ought not to have set aside the said initiation while passing the impugned order.

7. The learned counsel appearing for the appellant in Writ Appeal 928/2023 contends that ***Association of Medical Super Specialty Aspirants'*** case (supra), is not applicable to the facts of the instant case. The issue before the Apex Court was the execution of the bond and rendering of compulsory service by doctors who had secured seats in government colleges, and only a suggestion was made to the Union of India and the Medical Council of India to have a

uniform policy in that regard. Whereas in the instant case, respondent No.1 secured admission in the government college as an in-service candidate, received all service benefits, and executed an undertaking that after completion of his course he would serve in the institute till his retirement. The learned Single Judge failed to consider this fact.

8. It is further contended that the respondent No.1 did not join BMCRI, but instead directly sought posting as an Assistant Professor at KMIO, and therefore there is no lapse on the part of BMCRI in not providing a posting order. Upon issue of the Notice dated 11.04.2022, respondent No.1 replied seeking acceptance of his resignation dated 27.08.2021 and waiver of the expenses incurred on his higher education. The respondents, without accepting the resignation, issued the letter dated 06.05.2022 pointing out that respondent No.1, having been deputed for higher studies while working as ICMO, was bound after completion to discharge his duties in the government institute as per the Government Order and the bond, and as he did not join

the post from where he was deputed, the Charge Memo was issued. Respondent No.1 having remained unauthorizedly absent without even reporting to his original place, the initiation of departmental enquiry under the Karnataka Civil Services Rules is legal and sustainable in law.

9. The learned Senior Counsel appearing for respondent No.1 contends that the conduct of the appellants in not accepting the resignation of respondent No.1 and in initiating a domestic enquiry against him, despite the lapse on the part of the State in not giving him any posting in any government institution for more than three years, is arbitrary and unreasonable. It is further submitted that the Apex Court in ***Association of Medical Super Speciality Aspirants'*** case (supra) upheld government bonds for medical students to serve compulsorily in government service. However, the Apex Court directed that the period of compulsory service and the mode of exit should be reasonable, and the State Governments and the Armed Forces Medical College were directed to consider imposing the condition of compulsory service of two years, in default

of which the doctors shall recompense the government by paying Rs.20 lakhs. In the instant case, the impugned Bond mandates that the doctors serve compulsorily till retirement and are not eligible for any voluntary retirement, which means that there is no exit from compulsory service at all, which is in violation of the directions of the Apex Court.

10. It is further contended that the appellants have failed to consider that respondent No.1 had already served for several years before undertaking the M.Ch Super Speciality course, and was not given any posting after his deputation ended in 2018. Even after completing his deputation, he reported for duty on 09.08.2018, he was neither given any posting nor paid any salary for more than three years, despite his repeated requests. In these circumstances, it cannot be held that he violated the conditions of the impugned Government Order, and the disciplinary enquiry initiated by the appellants deserves to be set aside. Even though respondent No.1 wanted to fulfil the condition of compulsory service enshrined in the Indemnity Bond, the appellants did not allow him to do so,

as he was not given any posting despite repeated requests. Therefore, respondent No.1's tendering of resignation entitles him to a reasonable exit.

11. It is further contended that the action of the appellants amounts to a violation of respondent No.1's fundamental rights under Articles 19(1)(g) and Article 21 of the Constitution of India. Respondent No.1 cannot be expected to continue without any posting being given to him. In order to support his family and earn a livelihood, he had no other option but to resign after waiting for three years.

12. The learned Senior Counsel appearing for the complainant in the Contempt of Court case contends that the conduct of accused No.4 - BMCRI in addressing repeated letters to respondent No.1 demanding details of his income tax filings and copies of his passport, coupled with the threat of initiating fresh disciplinary proceedings on non-compliance, is a clear violation of the Order of this Court. It is contended that once the disciplinary proceedings against the complainant stood quashed, the demand for such

particulars, in respect of which no direction was passed by this Court amounts to wilful disobedience.

13. It is further contended that the Order of this Court expressly directed the State to pay salary to respondent No.1 for the period for which no posting was given, and to hold an enquiry and file a report to this Court within six months of receipt of the Order. The said directions have not been complied with, and the accused have failed to pay the complainant his salary for the period for which no posting was given. The learned Senior Counsel also places reliance on a judgment of the Madras High Court in ***Dr. Prince v. The Principal Secretary to the Government, Heath and Family Welfare Department*** order dated **26.03.2025** passed in ***W.P.No.10743/2025***.

14. Having considered the contentions advanced, we notice that the bond executed by the respondent herein specifically provides that the persons deputed for super speciality course in the in-service quota should report to the Government after completing the course. Annexure 'C' Order also provided the said condition. It is not in dispute that

respondent No.1 did report to the Government after completing the course. The bond provided for compulsory government service till retirement. The Apex Court in ***Association of Medical Super Specialty Aspirants'*** case (supra) held that bonds for compulsory government service are legal and valid. However, it was held as follows:-

"19. Reasonableness is a ground that pervades through the submissions made by the counsel on both sides. In the State of West Bengal, the requirement of a compulsory bond was initially a service of one year in the State in default of Rs 10 lakhs was to be paid. This was enhanced to three years and Rs 30 lakhs by a Notification dated 9-10-2014. In the State of Tamil Nadu, the bond condition was that a doctor has to serve for ten years in the State and in default of which, the doctor was to pay Rs 2 crores. This was reduced to two years and Rs 50 lakhs. The Armed Forces Medical College imposes a condition of five years' compulsory service in the Army for postgraduate and superspeciality doctors who prosecuted their study in the college. They have an option of not serving for five years by recompensing the Government by paying Rs 25 lakhs. The main contention of the counsel appearing for the appellants is that the condition of a long period of service that is imposed is unreasonable. The basis for the submission is that they have already served the society by working in government hospitals while undergoing their course. Further conditions imposed on them would impede the progress of their careers. Restrictions placed on their choice of place of work are

also unreasonable according to them. An alternate submission made by the counsel appearing for the appellants is that the imposition of the condition of compulsory bond should be reasonable and the exit clause should be relaxed. Notifications issued by the State Governments imposing a condition of compulsory service and a default clause are per se not unreasonable. However, we are in agreement with the learned counsel for the doctors that the period of compulsory service and the exit should be reasonable. The State Governments and the Armed Forces Medical College are directed to consider imposing the condition of compulsory service period of two years in default of which the doctors shall recompense the Government by paying Rs 20 lakhs.

41. *Taking note of the fact that certain State Governments have rigid conditions in the compulsory bonds to be executed by the appellants and the felt need of uniformity in the matter pertaining to the compulsory bonds, we suggest that suitable steps be taken by the Union of India and the Medical Council of India to have a uniform policy regarding the compulsory service to be rendered by the doctors who are trained in government institutions."*

However, it is worth noticing that the Apex Court was considering the validity of bonds to serve the Government for three years after post-graduate and super specialty courses. The validity of the condition to serve the Government till retirement was not considered.

15. We notice that in the instant case, it is not in dispute that the respondent had reported to the Government after completion of his course and had requested for posting orders which were not forthcoming. The contention now sought to be raised by the appellants is that the respondent had left the Country to work abroad. However, we notice that in the absence of any posting orders being issued to the respondent, the appellants cannot raise these contentions in these proceedings. It is not on account of any fault of the respondent that appropriate posting orders as provided in the Bond and the Government Order were not made available to the respondent. The respondent, a Super Specialty Qualified Doctor cannot be expected to remain idle and not work when no posting orders are provided to him, even in spite of reporting to the Government for duty and seeking the same. We are of the opinion that the condition that a post-graduate doctor who has availed of the in-service quota for admission to a Super Specialty Course must remain indebted to the Government for the rest of his

official life, even in the absence of any posting orders, is not an acceptable proposition.

16. In any view of the matter, since the respondent had reported for duty and had not been issued with any posting orders, the Government or the Institute from which he was relieved, cannot now contend that he was guilty of the offence of unauthorised absence from service from the Institution in which he had not been posted by the Government. The contention that there is an automatic resumption of service under the Institution from which he was relieved also cannot be accepted in the facts and circumstances of the instant case. We find that the said finding of the learned Single Judge is not liable to be interfered with. The finding that the domestic enquiry initiated by the BMCRI for unauthorised absence was illegal and liable to be set aside, is affirmed. The reliefs (a), (b) and (c) of the judgment of the learned Single Judge, are upheld. However, the finding that the appellant-Government is to pay salary to the respondent for the period for which posting was not provided to him and the direction to the

Chief Secretary to conduct an enquiry and recover the loss caused to the Government in this behalf are vacated.

17. Resultantly, the writ appeals shall stand ***disposed of.***

Civil Contempt Petition No.933/2023 shall stand ***closed.***

All pending Interlocutory Applications shall stand *disposed of* in all the matters.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

cp*