

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2026



PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT PETITION NO. 22235 OF 2026 (S-KSAT)

BETWEEN:

1. GOVINDARAJU B
S/O BHADRAGIRIAH,
AGED ABOUT 47 YEARS,
RESIDING AT NO.71,
SANNIDHI,
KNS ANIRVAN,
KANNALI,
YESHWANTHPUR HOBLI,
BENGALURU - 560 091.

...PETITIONER

(BY SRI VINAYAKA S PANDIT, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY,
DEPARTMENT OF HOME,
VIDHANA SOUDHA,
BENGALURU - 560 001.
2. DIRECTOR GENERAL AND
INSPECTOR GENERAL OF POLICE,
STATE OF KARNATAKA,
NRUPATUNGA ROAD,
BENGALURU - 560 001.
3. BHASKAR C
AGED ABOUT 42 YEARS,



S/O CHANDRU C,
INSPECTOR OF POLICE,
BYADARAHALLI POLICE STATION,
BENGALURU - 560 091,
RESIDING AT NO.4,
3RD MAIN, 1ST BLOCK,
BYRASANDRA,
JAYANAGARA,
BENGALURU - 560 011.

...RESPONDENTS

(BY SRI P.S. RAJAGOPAL, SENIOR ADVOCATE FOR
SRI AKKI MANJUNATHA GOWDA, ADVOCATE FOR R-3;
SRI REUBEN JACOB, AAG FOR SRI N. BYRE GOWDA, AGA
FOR R-1 & R-2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE
FINAL ORDER DATED 16.07.2026 IN APPLICATION
NO.2617/2026 (ANNEXURE-A) BY WHICH THE SAID
APPLICATION IS ALLOWED AND CONSEQUENTLY, TO DISMISS
THE APPLICATION NO.2617/2026.

THIS PETITION HAVING BEEN HEARD AND RESERVED
FOR JUDGMENT ON 13.08.2026, 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 H.SHANTHI BHUSHAN

CAV JUDGMENT

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

1. The present writ petition has been filed impugning the order dated 16.07.2026 passed by the Karnataka State Administrative Tribunal, Bengaluru (hereinafter referred to as "the Tribunal") in Application No.2617/2026 whereby the Tribunal has allowed the said application, quashing the transfer order dated 14.05.2026.

2. The respondent No.3 was working as a Inspector of Police, Criminal Investigation Department (CID), Bengaluru, and was also holding an additional charge at Byadarahalli Police Station. The respondent No.3 was transferred from CID, Bengaluru and posted as Police Inspector, Byadarahalli Police Station vide transfer order dated 10.05.2026. Under the very same order, the petitioner, who was working as Police Inspector, Pulakeshinagar Police Station, was transferred and posted to Legislative House Security, Bengaluru. The respondent No.3 was relieved from CID, Bengaluru on 11.05.2026 and he reported at Byadarahalli Police Station at

2 p.m. on the same day. The Tribunal has recorded that he made an entry in the Station House Diary and communicated his reporting to the concerned authorities.

3. On 14.05.2026, a subsequent transfer order came to be issued whereby respondent No.3 was transferred from Byadarahalli Police Station to Karnataka Lokayukta Police Station and the petitioner was posted to Byadarahalli Police Station. The petitioner was relieved from Pulakeshinagar Police station on 14.05.2026 and on the same day, pursuant to the order dated 14.05.2026, he reported at Byadarahalli Police Station at about 9.45 p.m.

4. Aggrieved by the order dated 14.05.2026, respondent No.3 approached the Tribunal contending that the subsequent transfer was contrary to Sections 20B and 20F of the Karnataka Police Act, 1963, (hereinafter referred to as "the Act") and that the Police Establishment Board had not taken any decision permitting such transfer.

5. The Tribunal allowed the application filed by the respondent No.3 and quashed the order dated 14.05.2026. The Tribunal held that the applicant had been transferred to Byadarahalli Police Station pursuant to the transfer order dated

10.05.2026 and had reported for duty there on 11.05.2026. The subsequent order dated 14.05.2026, transferring him from Byadarahalli to Karnataka Lokayukta, was therefore treated as a premature transfer.

6. The Tribunal further held that the transfer order dated 10.05.2026 had been issued pursuant to the decision of the Police Establishment Board. Therefore, any subsequent modification of the said order also ought to have been placed before the Police Establishment Board. According to the Tribunal, the second respondent could not, on his own, modify the earlier decision without obtaining the approval of the Board.

7. The Tribunal relied upon Sections 20B and 20F of the Act and held that the statutory requirement relating to the tenure and transfer of police officers had not been complied with. It also considered the decisions relied upon by the respondent No.3 concerning premature transfer and the exercise of powers relating to transfer and posting. The Tribunal consequently held that the order dated 14.05.2026 was issued without proper authority and could not be sustained. Accordingly, the Tribunal quashed the said order and directed the respondents to restore

and implement the earlier transfer notification dated 10.05.2026.

8. The only question that arises for our consideration is whether the order dated 16.07.2026 passed by the Tribunal, quashing the transfer order dated 14.05.2026 on the ground that the transfer of the respondent No.3 from Byadarahalli Police Station to Karnataka Lokayukta amounted to a premature transfer in violation of Sections 20B and 20F of the Karnataka Police Act, 1963 warrants interference by this Court?

9. We have considered the submissions made by the learned counsel for the parties and perused the material on record. The Tribunal proceeded mainly on the ground that the order dated 14.05.2026 was issued without the consent of the Police Establishment Board and that the respondent No.3, having reported at Byadarahalli Police Station pursuant to the order dated 10.05.2026, could not have been transferred from Byadarahalli Police Station within a period 4 days.

10. Section 20B of the Act provides for establishment of the Police Establishment Board and Section 20F of the Act provides for the tenure of the officers incharge of police stations etc. It would be revelant to extract Sections 20B and 20F of the Act:

"20B. Police Establishment Board.—The State Government shall, by notification in the official Gazette, establish a Police Establishment Board with the Director General and Inspector General of Police as Chairman and three senior police officers not below the rank of Additional Director General of Police as members to be nominated by the Government. Additional Director General of Police (Administration) shall be the Member Secretary;

(2) The functions of the Police Establishment Board shall be as follows, namely:—

(a) Subject to the provisions of Section 20F, it shall decide on transfers, postings, promotions and other service related matters of officers of and below the rank of Deputy Superintendent of Police.

(b) It shall also make recommendation for promotion to the rank of Deputy Superintendents of Police after duly verifying reservation and quota prescribed for direct recruitment and promotion. For this purpose a separate register shall be maintained by Director General and Inspector General of Police, as per orders or guidelines prescribed by Government from time to time.

(c) [XXX]

(d) Generally review the functioning of the police force in the State.

(e) Perform such other functions as may be prescribed.

(3) Subject to its control and directions, the Police Establishment Board may authorize the Superintendent of Police to effect transfers of Group C and D officials within the district and the Inspector General of Police within the Range.

(4) The Government may modify the decision of the Police Establishment Board after recording its reasons for doing so].

(5) The transfers decided and effected by the Police establishment Board shall be strictly in accordance with Section 20F and the general

transfer guidelines issued by Government from time to time.

(6) The cases pertaining to transfer of Police officers or personnel on complaints shall be considered by the Police Establishment Board and action taken in this regard shall be reported to Government.

(7) Copies of proceedings of the Police Establishment Board and the transfer orders issued thereon shall be sent to Government forthwith.

20F. Tenure of officers incharge of police stations, circle, sub-division, district and range —

(1) Subject to superannuation, the officers who are in operational duties or such other duties as may be notified by the Government from time to time shall have a minimum tenure of one year:

Provided that any such officer may be transferred by the Police Establishment Board or by the Government as the case may be from his post before the expiry of the minimum tenure consequent upon,—

(a) promotion to a higher post; or

(b) on conviction, or charges having been framed by a court of Law in a criminal offence; or

(c) imposition of punishment of dismissal, removal, discharge or compulsory retirement from service or of reduction to a lower rank awarded under the relevant discipline and appeal rules; or

(d) suspension from the service in accordance with the provisions of the said rules; or

(e) incapacitation by physical or mental illness or otherwise becoming unable to discharge his functions and duties; or

(f) the need to fill up a vacancy caused by promotion, transfer or retirement; or

(g) on request of the officer concerned in writing:

Provided further that the Government may, transfer an officer before the expiry of his

minimum tenure on account of misconduct or gross negligence or an act of moral turpitude in the opinion of the State Government.

(2) Subject to superannuation, the Additional Director General of Police, the Inspector General of Police in charge of Range or Superintendent of Police in charge of a District including Additional Superintendent of Police who are on operational duties in the field or such other duties as may be notified by the Government from time to time shall have a minimum tenure of one year:

Provided that the Government may transfer such officer within a period of one year for reasons of gross misconduct or negligence or an act of moral turpitude in the opinion of the State Government or under circumstances specified in the provisos to Sub-section (1)."

11. Section 20B of the Act provides for establishment of the Police Establishment Board and entrusts it with the power to decide on the transfers, postings, promotions and other service related matters of officers of and below the rank of Deputy Superintendent of Police. Though the Tribunal was right in observing that the decision relating to transfer of a Police Inspector falls within the jurisdiction of the Police Establishment Board, the Tribunal however, did not take into consideration that the modification made by the order dated 14.05.2026 was placed before the Police Establishment Board subsequently on 08.06.2026 and was approved by the said Board.

11.1. Section 20F of the Act prescribes a minimum tenure of one year for the officers posted to operational duties or such other duties as may be notified by the Government. However, the provision also contemplates transfer before expiry of the minimum tenure in the circumstances specified therein. Therefore, merely because the respondent No.3 reported at Byadarahalli on 11.05.2026, it cannot be said that he acquired an indefeasible right to continue at that place for a period of one year. Consequently, the order dated 14.05.2026 modifying his posting and transferring him from Byadarahalli to the Karnataka Lokayukta Police cannot be held to be a premature transfer only because it was issued shortly after the transfer order dated 10.05.2026.

12. The learned Additional Advocate General submitted that, in the present case, the approval of the Police Establishment Board was obtained subsequently and there is no statutory bar against such post facto approval. The submission merits acceptance. We find that the absence of prior approval, in the facts of the present case, can at best be regarded as a curable procedural defect and would not, by itself, render the transfer order *void ab initio*. Once the

Board has subsequently considered the matter and consciously accorded its approval, the procedural irregularity stands cured. Though it cannot be stated as an absolute proposition that “post facto approval automatically validates the transfer”, where the competent authority otherwise had the power to effect the transfer and there is no statutory prohibition against subsequent immediate approval, the subsequent immediate approval by the Board would cure the defect. Consequently, the transfer cannot be interfered with merely on the ground that the approval was obtained subsequently.

13. The principle that an act can be subsequently ratified by the competent authority is well recognised. In the case of ***NATIONAL INSTITUTE OF TECHNOLOGY AND ANOTHER vs PANNALAL CHOUDHURY AND ANOTHER [(2015) 11 SCC 669]*** the Supreme Court held that the expression “ratification” means “the making valid of an act already done”. This principle is derived from the latin maxim “*ratihabitio mandato aequiparatur*” meaning thereby “a subsequent ratification of an act is equivalent to a prior authority to

perform such act". It is for this reason the ratification assumes an invalid act which is retrospectively validated. The principle, however, is subject to the condition that the authority granting ratification must itself possess the power to take the decision. In the present case, that requirement is satisfied. The Police Establishment Board is the Authority competent to decide the transfer and posting of police inspectors. The subsequent approval is, therefore, not an approval by an authority which had no jurisdiction over the matter. It is the approval of the very authority which is empowered under the statute to take the decision. Consequently, the objection that the order dated 14.05.2026 was not preceded by the decision of the Police Establishment Board cannot, in the facts of the present case, be a ground to invalidate the transfer after the Board has considered and approved the modification.

14. It is well settled that transfer is ordinarily an incident of service and that the Court should interfere with an order of transfer only when the order is shown to be contrary to a statutory provision, passed by an incompetent authority or vitiated by *mala fides* as held by the Supreme Court in the case

of **UNION OF INDIA And Others vs S.L. ABBAS [(1993) 4**

SCC 357]. The relevant paragraphs are extracted hereunder:

"6. An order of transfer is an incident of Government service. Fundamental Rule 11 says that "the whole time of a Government servant is at the disposal of the Government which pays him and he may be employed in any manner required by proper authority". Fundamental Rule 15 says that "the President may transfer a Government servant from one post to another". That the respondent is liable to transfer anywhere in India is not in dispute. It is not the case of the respondent that the order of his transfer is vitiated by mala fides on the part of the authority making the order, — though the Tribunal does say so merely because certain guidelines issued by the Central Government are not followed, with which finding we shall deal later. The respondent attributed "mischief" to his immediate superior who had nothing to do with his transfer. All he says is that he should not be transferred because his wife is working at Shillong, his children are studying there and also because his health had suffered a setback some time ago. He relies upon certain executive instructions issued by the Government in that behalf. Those instructions are in the nature of guidelines. They do not have statutory force.

7. Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by mala fides or is made in violation of any statutory provisions, the court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the

guidelines issued by the Government on the subject. Similarly if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, husband and wife must be posted at the same place. The said guideline however does not confer upon the Government employee a legally enforceable right."

15. In the case of **STATE OF HARYANA AND OTHERS vs KASHMIR SINGH AND ANOTHER [(2010) 13 SCC 306]**, the Supreme Court has held that the matters with respect to transfer and posting of police personnel are ordinarily to be left to the discretion of the competent authorities, who are in a better position to assess the administrative requirements. The relevant paragraph is extracted hereunder:

"12. Transfer ordinarily is an incidence of service, and the courts should be very reluctant to interfere in transfer orders as long as they are not clearly illegal. In particular, we are of the opinion that transfer and postings of policemen must be left in the discretion of the State authorities concerned which are in the best position to assess the necessities of the administrative requirements of the situation. The administrative authorities concerned may be of the opinion that more policemen are required in any particular district and/or another range than in another, depending upon their assessment of the law and order situation

and/or other considerations. These are purely administrative matters, and it is well settled that courts must not ordinarily interfere in administrative matters and should maintain judicial restraint, vide Tata Cellular v. Union of India [(1994) 6 SCC 651 : AIR 1996 SC 11]."

16. The present case does not disclose any material to establish *mala fides* or any other circumstance which would warrant interference with the administrative decision. The fact that the respondent No.3 had joined at Byadarahalli on 11.05.2026 does not, by itself, make the subsequent transfer illegal or invalid. What is relevant is whether the transfer was prohibited by Section 20F or was otherwise made without the authority of law. For the reasons already stated, we find that neither of these situation find place in the present case. The subsequent approval by the Police Establishment Board also makes it clear that the transfer has the approval of the competent statutory authority. The Tribunal, therefore, has erred in quashing the order dated 14.05.2026.

17. In view thereof, the present writ petition is allowed and the order dated 16.07.2026 passed by the Karnataka State Administrative Tribunal is set aside.

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

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

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

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