



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.2595 OF 2026 (EDN-RES)

BETWEEN:

THE AL-JAMIA MOHAMADIYAH
EDUCATION SOCIETY
HAVING ITS HEAD OFFICE AT
NO.6/A, HAZRAT TERRACE ANNEXE,
SHAIKH HAFIUDDIN MARG, MUMBAI - 400 008.

ALSO AT:

THE AL-JAMIA MOHAMADIYAH EDUCATION SOCIETY,
THANISANDRA MAIN ROAD,
R.K. HEGDE NAGAR,
BENGALURU - 560 077,
REP. BY ITS CHIEF EXECUTIVE OFFICER
MR. KHALID MUSHARRUF,
S/O R. ABDUL JALEEL,
AGED ABOUT 48 YEARS..

....PETITIONER

(BY SRI. SRIKANTH M P, ADVOCATE)

AND:

- 1 . STATE OF KARNATAKA
REPRESENTED BY PRINCIPAL SECRETARY,
PRIMARY AND SECONDARY EDUCATION,
M.S.BUILDING, DR.AMBEDKAR VEEDHI,
BANGALORE-560 001.



- 2 . THE COMMISSIONER
SCHOOL EDUCATION AND
LITERACY DEPARTMENT,
NEW PUBLIC OFFICES,
NRUPATHUNGA ROAD,
BENGALURU 560 001.
- 3 . THE DIRECTOR
PRIMARY EDUCATION DEPARTMENT,
SCHOOL EDUCATION AND
LITERACY DEPARTMENT,
NEW PUBLIC OFFICES,
NRUPATHUNGA ROAD,
BENGALURU 560 001.
- 4 . THE DIRECTOR
SECONDARY EDUCATION DEPARTMENT,
SCHOOL EDUCATION AND
LITERACY DEPARTMENT,
NEW PUBLIC OFFICES,
NRUPATHUNGA ROAD,
BENGALURU 560 001.
- 5 . DEPUTY DIRECTOR
SCHOOL EDUCATION AND
LITERACY DEPARTMENT,
SOUTH-4, KALASIPALYA,
BENGALURU-560002
- 6 . BLOCK EDUCATION OFFICER
SCHOOL EDUCATION AND
LITERACY DEPARTMENT,
SOUTH-4, K R PURAM,
BENGALURU-560036
- 7 . SRI. MASEEH AHMED
S/O. DASTAGIR,
AGED ABOUT 43 YEARS,
R/AT NO.208/232,
BANNERGHATTA ROAD,



NEAR SANABIL SCHOOL,
HOMMADEVANAHALLI,
GOTTIGERE,
BENGALURU - 560 083.

8 . SRI. CHAND PASHA
S/O. SATTAR SAB,
AGED ABOUT 60 YEARS,
R/AT NO.1/1, 2ND CROSS,
6TH MAIN ROAD, PADARAYANAPURA,
BENGALURU 560 026.

9 . SRI. ABDUAL HAMED PASHA
S/O. ABDUL KHADAR,
AGED ABOUT 49 YEARS,
R/AT NO.223, 5TH CROSS,
GANGONDANAHALLI, NAYANDAHALLI,
BENGALURU SOUTH, BENGALURU - 560 039.

...RESPONDENTS

(BY SRI. S.A. AHMED, AAG A/W
SMT. SUKANYA BALIGA B., AGA FOR R1 TO R6;
SRI. VIVEK SUBBA REDDY, SENIOR COUNSEL FOR;
SMT.VARALAKSHMI NAGARAJ, ADVOCATE FOR R7;
SRI. NARAYANASWAMY T., ADVOCATE FOR
SRI. BASAVARAJ PATEL G.K., ADVOCATE /CR/R8;
SRI. NARAYAN BHAT, ADVOCATE FOR R9)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
ORDER / MEMORANDUM DATED 30.05.2025 VIDE NO.A8(ANU)
W.P.NO.30975/ 2024 /39/2024-25 PASSED BY THE
RESPONDENT AUTHORITY VIDE ANNEXURE - AW AND ETC.,

THIS WRIT PETITION HAVING BEEN RESERVED FOR
ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **E.S.
INDIRESH J.**, MADE THE FOLLOWING:



CORAM: HON'BLE MR. JUSTICE E.S. INDIRESH

CAV ORDER

In this writ petition, the petitioner is assailing the order/Memorandum dated 30.05.2025 (Annexure-AW); Memorandum/order dated 30.05.2025 (Annexure-AX); order dated 19.01.2026 in appeal No.8 of 2025 on the file of the respondent No.2 (Annexure-AY) *inter-alia* sought for direction to respondent Nos.1 to 6 to consider the representation made by the petitioner for modification of Registration Certificate and other documents depicting the name of the petitioner and to issue modified certificate under Rule 7 of Karnataka Education Institutions (Classification and Registration) Rules, 1997.

2. Relevant facts for the adjudication of this writ petition are that, the institution "The Al-Jamia Mohamadiyah Education Society" is a registered Society



under the provisions of Societies Registration Act, 1860 of State of Maharashtra (Annexure-A). It is stated that the object of the Society, is as per the Memorandum of Association, and notified under Schedule-III of Bombay Public Trust Act, 1950 (Annexure-E). It is stated that, the report of changes, in the Trust as "Al-Jamia Mohammediyah Education Society" as per Annexure-G. One Mohammed Azeezuddin, had acquired the land for the purpose of religious and running the school as per the registered Sale Deeds dated 14.09.1988 (Annexure-H and J). Thereafter, the land was converted from agricultural to non-agricultural purpose by order dated 19.08.1991 issued by the Special Deputy Commissioner, Bengaluru. The aforementioned property was gifted as per Declaratory Affidavit, dated 17.04.1999 by the said Mohammed Azeezuddin in favour of M/s.Mohammadeeya Educational Trust, Bengaluru (Annexure-K). It is stated that the BBMP has



issued khata in respect of subject land, in the name of "M/s Al-Jamia Mohammediyah Education Society of Mumbai" (Annexure-M). Thereafter, the respondent No.6, has issued Registration Certificate dated 19.01.2006 to the "Jamia Mohammediyah Mansoorah" Urdu Medium School to run from 1st Standard to 5th Standard, in Urdu Medium of Instruction as per Annexure-P, and the respondent No.2, has issued Registration Certificate on 23.06.2009 (Annexure-P1) to run 6th and 7th Standard (permanently unaided) in English Medium School. It is also to be noted that, the respondent No.5 has issued the Registration Certificate dated 06.07.2009, (Annexure-Q) to conduct classes from 8th standard to 10th standard in Urdu Medium of Instruction. On 24.06.2010 (Annexure-R), the respondent No. 2 has accorded permission to run 8th standard to 10th standard in the Medium of English language. It is also pleaded in the writ petition that, the



Recognition Certificate dated 15.09.2012 and 23.01.2017 (Annexure-S and T respectively) was issued by the respondent No.6, to the 'Jamia Mohammediya Mansoorah'. Similar Recognition Certificate was issued by the competent authority as per the Annexure-V, W, X, Y, Z, AA, AB, AC and AD respectively.

3. It is further stated in the writ petition that, the Memorandum dated 29.09.2015, was issued by the respondent No.2 as to change of the name of the school, from 'Jamiya Mohammadiya Mansoorah Urdu Primary School', Thanisandra as 'Saamar International Islamic School' as per Annexure-AE.

4. In the meanwhile, the respondent-authority had issued show-cause notice dated 19.02.2025 (Annexure-AP) to the petitioner, calling upon to file reply, as to different names of the school and



projecting different name boards in the school as the governing body to run the Institution. Thereafter, the respondent No.5 addressed another show-cause notice dated 14.05.2025 (Annexure-AQ) seeking explanation from the petitioner. In the meanwhile, the three member committee submitted the report dated 14.05.2025 to the respondent No.2, and the explanation offered by the petitioner on 21.05.2025 has been considered by the respondent No.5, and thereby recommended for cancellation of the recognition as per Annexure-AS.

5. It is also forthcoming from the writ petition that, the respondent-authorities after considering the material on record, and the explanation offered by the petitioner by Memorandum dated 30.05.2025, (Annexure- AW) withdrew the recognition under Section 39 of the Karnataka Education Act, 1983 (hereinafter referred to Act) and similar orders have



been passed as per Memorandum/order dated 30.05.2025 (Annexure-AX) by the respondent No.4. Being aggrieved by the same, the petitioner has preferred appeal under Section 130 of the Act, before the respondent No.2, in Appeal No.8 of 2025 and the respondent No.2, vide order dated 19.01.2026 (Annexure-AY) dismissed the appeal preferred by the petitioner on merits. Being aggrieved by the same, the petitioner has presented this writ petition.

6. I have heard Sri. M. P. Srikanth, learned counsel for the petitioner; Sri. S. A. Ahmed, learned Additional Advocate General along with Smt. Sukanya Baliga .B, learned Additional Government Advocate for respondent Nos. 1 to 6; Sri. Vivek Subba Reddy, learned Senior Counsel for Smt. Varalakshmi Nagaraj, learned counsel for respondent No.7; Sri. Narayanaswamy. T, learned counsel for Sri. Basavaraj Patel. G.K, learned counsel for respondent No.8/



Caveator and Sri. Narayana Bhat, learned counsel for the respondent No. 9.

7. Sri. M.P. Srikanth, learned counsel for the petitioner argued that, the impugned orders/Memorandum passed by the respondent-authorities suffers from infirmity as no fair opportunity was extended to the petitioner-Institution during the proceedings culminating in passing the impugned orders/Memorandum. Learned counsel further argued that, the finding recorded by the respondent-authorities as to the discrepancy in the place of running the Education Institution is false as the petitioner-Institution is working as per the Bye-laws of 'Al-Jamiya Mohammadiyah Education Society' and therefore, argued that, the finding recorded by the respondent-authorities is contrary to law.



8. Learned Counsel for the petitioner further argued that, as a Madarasa was being run in the name and style of 'Jamia Mohammadiyah Mansoorah' and using that name, an application was made to register the primary school and the said mistake has crept into the name of the Management as 'Jamiya Mohammadiya Mansoorah' and the name of the institution as Jamiya Mohammadia Mansoorah Urdu higher primary school and as such, argued that the change in the name of the institution was permitted by the respondent-authorities, which was duly endorsed in the Recognition Certificate as has been issued to the petitioner-institution and accordingly, sought for interference of this court.

9. It is further contended that, the respondent Nos. 4 and 5 have no jurisdiction to cancel the registration or withdrew the recognition of the petitioner-Institution under Section 34 and 39 of the Act and therefore, sought for interference of this Court.



In order to buttress his arguments, learned counsel has relied upon the judgment of this Court in the case of ***Nooli Channayya Smaraka v. State of Karnataka and others*** reported in ***ILR 2004 KAR 4135*** and in the case of ***Mahendra Pal v. State of Himachal Pradesh and others*** reported in ***(2010) 13 SCC 441*** and sought for quashing the impugned orders.

10. Per contra, Sri. S. A. Ahmed, learned Additional Advocate General, appearing on behalf of the Smt. Sukanya Baliga .B, learned Additional Government Advocate for respondent Nos. 1 to 6 argued in support of the impugned orders and submitted that, the petitioner is running the Institution in different names and also running a Madarasa School in the same building, which is contrary to the secular medium of instruction to be imparted by the respondent-State and as such sought for dismissal of the writ petition.



11. Sri. Vivek Subba Reddy, learned Senior Counsel appearing on behalf of Smt. Varalakshmi Nagaraj, learned counsel appearing for respondent No.7 argued that, the petitioner-institution is not in existence and there is no registration of the Society under the Societies Registration Act, and the petitioner-Institution is playing fraud against the public and the government and further the petitioner-Institution is running a Madarasa religious system of school to the children by availing State aid and same is contrary to the Karnataka Education Act, 1983 and therefore, sought for interference of this court.

12. It is the specific contention of the learned Senior Counsel that, the petitioner has no right or authority to run the Institution and further the petitioner has filed O S No. 25314 of 2024 before the City Civil and Sessions Court, Bengaluru, seeking declaration in respect of the ownership of the property



which is under dispute and further it is argued that, the school being running in different names, and accordingly, invited the attention of the court to paragraph 5 of statement of objections. It is also argued by the learned Senior Counsel that, the petitioner -Institution has admitted before the respondent-authorities that a mistake has been crept as to the name of the Institution and therefore, sought for dismissal of the writ petition. Emphasising on the finding recorded by the respondent No.2-authority, in the impugned orders as to the misrepresentation of identity by the petitioner-Institution, it is argued that, and the petitioner -Institution is misleading the respondent-authorities and the parents of the pupil, and therefore, sought for dismissal of the writ petition.

13. Sri. Basavaraj Patel G.K. and Sri.Narayanaswamy, learned counsel for the respondent No.8, reiterates the averments made in the



statement of objections and argued that, the petitioner is running the different Institutions mentioning names of different societies, and therefore, the petitioner-Institution is playing fraud against respondent-authorities which vitiates every action thereunder and accordingly, sought for dismissal of the petition. Referring to Annexure-R8(1) and R8(3), learned counsel submitted that, the Registration Certificate produced by the petitioner-Institution has been verified by the respondent-authorities and stated that the Registration Certificate of the society is fake and therefore, sought for dismissal of the writ petition.

14. In the meanwhile, Sri. Vivek Subba Reddy, learned Senior Counsel appearing for respondent No.7, filed memo along with the paper publication in the 'Saalar Daily Newspaper', along with the pamphlets wherein, the petitioner-Institution has advertised admission to the school, despite the undertaking given



before this Court, not to admit the students and therefore, the petitioner-Institution has to be penalised for contempt proceedings and accordingly, sought for dismissal of the writ petition.

15. In this regard, Sri. Narayana Bhat, learned counsel for the respondent No.9, places reliance on the judgment of the Hon'ble Supreme Court in the case of ***S P Chengalvaraya Naidu (D) by LRs v. Jagannath (D) by LRs and others*** reported in ***(1994) 1 SCC 1*** and argued that, the petitioner-Institution has violated the norms of the Act, accordingly, sought for dismissal of the writ petition.

16. In the light of the submission made by the learned counsel appearing for the parties, it is not in dispute that the petitioner-Institution is a Society, registered on 16.04.1979 (Annexure-A) in the name of the 'Al-Jamia Mahamaddiah Education Society'. The



petitioner-Institution/Society had acquired the properties through the Gift executed by one Mohammed Azeezuddin. In this regard, declaration dated 18.04.1999 is produced at Annexure- K. It is not in dispute that the subject matter of the petitioner's land is *sub-judice* in O.S. No.25314 of 2024 before the competent Civil Court at Bangalore. It is also to be noted that, one 'Jamia Mohammadiya Mansoorah' ®, Thanisandra, and has given recognition has been made to 'Jamiya Mohammadiya Mansoorah' Urdu Primary School, as per the certificate issued by the respondent-authorities in Certificate No.66/2005-06 dated 19.01.2006 and Certificate No.86/2009/10 dated 23.06.2009, respectively to conduct classes from 6th standard to 7th standard in English medium "Without permanent Aid" for the period from 2009-10 and 2010-11 as per Section 31 of the Act (Annexure-P and P1). It is also forthcoming from the Memorandum dated



06.07.2009 (Annexure-Q) wherein, the Deputy Director (Administration), Bangalore City Zilla Panchayat, accorded permission on 06.07.2009 (Annexure- Q) to 'Jamiya Mohammadiya Urdu High School, Thanisadra', for conducting classes from 8th standard to 10th standard in Urdu Medium for the period from 2006-2007 to 2010-11 (without aid) as per Section 36 of the Act.

17. It is also to be noted that, as per the Recognition Certificate dated 24.06.2010 (Annexure-R) wherein, the competent authority has certified the Governing Council of 'Jamiya Mohammediya Education Society', ®, Mominpura, Bombay, has given recognition to 'Jamiya Mohammediya Mansoor English High School. The said, certification is contrary to the 'Al-Jamiya Mohammediyah Education Society' at Annexure-A. The perusal of Annexure-P, makes it clear that, the respondent-authorities, issued the order of recognition



to 'Jamiya Mohammediya Mansoorah', to run 1st standard to 5th standard in Urdu Medium. Annexure-P1, is the recognition given to the petitioner- 'Jamiya Mohammediya Mansoorah' for running 6th standard and 7th standard. Perusal of Annexure- Q, R, S, and T, wherein, the name of the Institution granting recognition is 'Jamiya Mohammadiya Masoorah' however, the recognition as per Annexure-V, wherein, the name of the school has been shown as 'Saamar International Islamic School', granting recognition to run 1st standard to 5th standard and thereafter, 6th and 7th standard, again as per Annexure- W, the recognition was accorded to run, High School, 8th standard to 10th standard for the academic year 2013-14 and same was issued in favour of 'Jamiya Mohameddiya Mansoorah'. On careful consideration of Annexure-X and Y, recognition was given in the name of 'Jamiya Mohammadiya Mansoorah'. Perusal of Annexure-Z and AA, wherein, the



recognition was granted to 'Saamar International Islamic School' for 1st standard to 5th standard English Medium. Having taken note of the Memorandum dated 29.09.2015 Annexure-AE, wherein the respondent-authorities have accorded permission to change the name of the school from 'Jamiya Mohammadiya Mansoor Urdu Primary School' as 'Saamar International Islamic School', subject to the conditions specified therein.

18. In the backdrop of these aspects, the perusal of memorandum dated 30.05.2025 at Annexure- AW, wherein the respondent-authorities sought explanation from the petitioner-Institution/Society as to running the school in different names, and also, remitting the fees, in the account of different Institutions and in this regard, the three members committee has conducted inspection and filed report dated 14.05.2025 stating that, the Institution has changed the name as J'amiya



Mohammadiya Mansoorah' ®, 'Jamiya Mohammadiya Education Society', 'The Al-Jamiya Mohammadiya Education Society' and 'Al-Jamiya Mohammadiya Education Society,' and running above said institutions in the very same building, and further the petitioner-Institution/Society, is imparting Madarasa Education, without seeking permission from the competent authority. Pursuant to the same the petitioner-Institution/Society has replied on 21.05.2025, however, the petitioner-Institution has admitted as to run the school in the different names, and the reply made by the petitioner -Society itself is self explanatory and has violated the provisions of the Act. It is also to be noted from the impugned orders that, the petitioner-Institution/Society, ought not to have impart the Madarasa - informal education in a Institution wherein secular education has been imparted as per the conditions stipulated in the order of recognition issued



by the competent authority. That apart, perusal of the finding recorded by the Appellate Authority in Appeal No. 8 of 2025 (Annexure-AY) wherein, the Appellate Authority after considering the entire material on record in detail, arrived at a conclusion that, there is no society like 'Jamiya Mohammadiya Masoora, ® Society', and has obtained the recognition illegally, to run the school as stated above and the petitioner-Society has suppressed the material fact and committed fraud against the respondent-authorities.

19. It is also to be noted from the finding recorded by the respondent-authorities that, there is no registered Society, like the "The Al-Jamiya Mohammadiyah Mansoorah Education Society" at Thanisandra and further, the Bank Account has been opened in an unregistered Society which is not been recognised by the respondent-authorities. In that view of the matter, I am of the view that as the respondent-



authorities, after considering the report of the three member committee dated 14.05.2025, arrived at a right conclusion that, the petitioner-Institution/Society is receiving fees from the students, however, remitted the same in the accounts, other than the registered Society.

20. In that view of the matter, the petitioner-Institution has violated Section 30, 31 and 36 of the Act, and running the institution in the name wherein it is not recognised by the respondent-authorities and as such, original authority rightly issued impugned order and thereby the Appellate Authority by its order dated 19.01.2026 rightly dismissed the appeal preferred by the petitioners therein and therefore, arguments advanced by the learned counsel appearing for the petitioner-Institution cannot be accepted.



21. It is forthcoming from the Annexure- R8(3) of the Statement of Objections filed by the respondent No.8, wherein, the respondent-authorities have addressed letter to the Public Trust Registration Office, Mumbai, and in this regard, reply dated 13.03.2025 makes it clear that, the Registration Certificate submitted by the petitioner-Institution claiming registration, on 16.04.1979 is a fake certificate of registration and further, letter dated 17.04.2025 Annexure- R8(4) reveals that, there is no Society like 'Jamiya mohameddiya Education Society', registered before the competent authority at Mumbai, and therefore, the finding recorded by the respondent-authorities under Section 39 of the Act is just and proper, which does not call for interference in this writ petition. Though the learned counsel appearing for the petitioner-Institution referred to the judgments as stated above, however, the same cannot be accepted



on the sole ground that, the petitioner-Institution/Society has committed a fraud against the respondent-authorities while seeking recognition to run the school in the premises in question.

22. Yet another ground to dismiss the petition is that, this court, by order dated 02.02.2026 pass the following interim order:

"Learned Counsel for the petitioner submits that he has served a copy of the writ petition along with Annexures on the counsel appearing for the Caveator.

Submission is placed on record.

Learned counsel for the petitioner undertakes that the petitioner will not admit any students for the next academic year without permission of the Court.

Undertaking is placed on record.

All further proceedings pursuant to impugned order(s), is stayed till next date of hearing.

List this petition on 23.02.2026, in the 'preliminary hearing -B Group'."

(underlined by me)



23. However, the perusal of the memo dated 24.03.2026 filed by the respondent No.7, would makes it clear that the petitioner-Institution/Society, in the name of Saamar International Islamic School has opened admission to the students up to 7th standard, stipulating the annual fee at Rs.16,500/-, Rs.20,000/- for High School and also, demanding Rs.12,000 for annual transportation fee from the students. The aforementioned fact is undisputed as the same was advertised in the Saalar Daily News Paper and copy of the news paper is also enclosed. In that view of the matter, as the petitioner -Institution has violated the undertaken given before this Court and has started admission of students, contrary to the undertaking given before this court on 02.02.2026 and therefore, it is a clear abuse of process of law by the petitioner-Institution and as such, the writ petition has to be dismissed with imposition of exemplary costs, in view



of the declaration of law made by the Hon'ble Supreme Court in the case of ***Meghmala and others vs. G. Narasimha Reddy and others*** reported in ***(2010) 8 SCC 383***.

24. It also to be noted that, in view of the declaration of law made by the Hon'ble Supreme Court in the case of ***Prestige Lights Ltd v. State Bank of India*** reported in ***(2007) 8 SCC 449***, as the petitioner-Institution has violated the interim order passed by this Court and as such, the petitioner-Institution is not entitled for the reliefs sought for in this writ petition.

25. It is also forthcoming from the impugned orders passed by the respondent-authorities would indicate that, the criminal case has been lodged in Crime No. 30 of 2026 for the offences punishable under Section 318 (4), 336, 340 of BNS , 2023, by the



Kothanur police station. Taking into consideration of the observation made above, I am of the view that, the writ petition deserves to be dismissed by imposing cost of Rs.25,000/- and same has to be payable to the Karnataka Legal Services Authorities, Bengaluru.

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

SD/-
(E.S.INDIRESH)
JUDGE