



CNR: KAHC010189552026

NC: 2026:KHC:48538
WP No. 8506 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 8506 OF 2026 (EDN-RES)

BETWEEN:

UDAYA EDUCATIONAL SOCIETY
BETTAGERI, MADIKERI TALUK,
KODAGU DISTRICT
BY IT'S PRESIDENT
SRI KISHOR KUMAR T.A.

...PETITIONER

(BY SRI. CHARAN KUMAR K V., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY IT'S SECRETARY
TO GOVERNMENT,
SCHOOL EDUCATION AND LITERACY DEPARTMENT,
M.S. BUILDING,
BANGALORE-560001
2. COMMISSIONER OF PUBLIC INSTRUCTIONS
NEW PUBLIC OFFICES,
NRUPATUNGA ROAD,
BANGALORE-560001
3. THE DIRECTOR (SECONDARY EDUCATION)
OFFICE OF THE COMMISSIONER OF PUBLIC
INSTRUCTION,
NEW PUBLIC OFFICES,
NRUPATUNGA ROAD, BANGALORE-560001.

Digitally signed
by VARSHA N
RASAI KAR
Location: HIGH
COURT OF
KARNATAKA



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4. THE DEPUTY DIRECTOR OF SCHOOL EDUCATION
DEPARTMENT (ADMN.),
KODAGU DISTRICT,
MADIKERI-571201
5. THE BLOCK EDUCATION OFFICER,
MADIKERI TALUK,
MADIKERI,
KODAGU DISTRICT-571201

...RESPONDENTS

(BY SRI. G RAMESH NAIK, AGA FOR R1 TO R5 (MA NOT FILED))

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE CIRCULAR IN NO.DPI-CPIOCB-4(DM)/8/2024-25 E-1612404 DATED 20/06/2025 ISSUED BY RESPONDENT NO.3 AS PER ANNEXURE-C AND CONSEQUENTLY, THE ENDORSEMENT IN NO. G1. MA NA/49/2025-26/1353 DATED 25/11/2025 ISSUED BY RESPONDENT NO.4 AS PER ANNEXURE-F. B) ISSUE A WRIT OF MANDAMUS DIRECTING RESPONDENTS TO GRANT RECOGNITION FOR CLASSES 9 AND 10 IN THE SCHOOL NAMELY UDAYA ENGLISH MEDIUM SCHOOL BETTAGERI, KODAGU RUN BY PETITIONER SOCIETY FOR THE ACADEMIC YEARS 2024-25 AND THEREAFTER. C) PASS ANY OTHER APPROPRIATE ORDER AS THIS HON'BLE COURT DEEMS FIT TO MEET THE ENDS OF JUSTICE AND EQUITY.

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



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CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

The petitioner has filed this writ petition seeking the following reliefs:

- (a) Issue a writ of certiorari or any other appropriate writ quashing the circular in No.DPI-CPIOCB-4(DM)/8/2024-25 E-1612404 dated 20.06.2025 issued by respondent No.3 as per Annexure-C and consequently, the endorsement in No.G1. Ma Na/49/2025-26/1353 dated 25.11.2025 issued by respondent No.4 as per Annexure-F;
- (b) Issue a writ of mandamus directing respondents to grant recognition for classes 9 and 10 in the school namely Udaya English Medium school Bettageri, Kodagu run by petitioner Society for the academic years 2024-25 and thereafter;
- (c) Pass any other appropriate order as this Hon'ble Court deems fit to meet the ends of justice and equity.

2. Brief facts leading rise to the filing of this writ petition are as follows:



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The petitioner is a Society registered under Mysore Societies Registration Act, 1960. The petitioner got registered a School on 16.06.1999. The recognition was given for classes 9 and 10 in school run by the petitioner. The petitioner submitted an application for recognition of classes 9 and 10 by depositing Rs.1,00,000/- submitting all necessary documents. The recognition was renewed in respect of classes 1 to 8. The petitioner applied for recognition for classes 9 and 10. The circular dated 20.06.2025 issued by respondent No.2 withdrawing recognition to classes 9 and 10. Respondent No.3 submitted a proposal for recognition of classes 9 and 10 to respondent No.2. The petitioner submitted a letter requesting to provide portal to the students of the school for registering for examination. The endorsement issued by respondent No.3 refusing to recognise. Hence, this writ petition.



3. Heard the learned counsel for the petitioner and learned High Court Government Pleader for the respondents.

4. Learned counsel for the petitioner submits the before refusing to recognise High School section of the School run by petitioner has resulted in putting the future of students in jeopardy. For no fault of petitioner the students are made to suffer hardships. It is also contended that the petitioner has clarified by giving particulars that there exist a required number of students in classes 9 and 10. In spite of the submission of particulars, in a predetermined manner, the recognition has been turned down and withdrawn. The action of the respondents in withdrawing the recognition is in violation of Section 39 of the Karnataka Education Act, 1983 (for short, 'the Act of 1983'). Thus, the impugned order passed by respondent No.3 is in violation of principles of natural justice and arbitrary. Hence, on these grounds, he prays to allow the writ petition.



5. *Per contra*, learned High Court Government Pleader supported the impugned order and prays to dismiss the writ petition.

6. Perused the records and considered the submissions of the learned counsel for the parties.

7. It is an undisputed fact that the petitioner-Society got registered a School namely Udaya English Medium High School, Bettageri, Kodagu. After obtaining necessary permission from the Commissioner of Public Instructions as per Section 31 of the Act of 1983. Since from the date of registration, the school has been getting recognition from time to time and the recognition as per Rule 3 of the Karnataka Educational Institutions (Recognition of Primary and Secondary Schools) Rules, 1999. The petitioner after obtaining recognition for the classes 9 and 10 in English medium for the academic year 2019-20. The State Government has issued circular vide Annexure-C dated 20.06.2025 stating that the recognition



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cannot be extended and respondent No.3 has forwarded a proposal to respondent No.2 for extending recognition for classes 9 and 10 for the academic year 2024-25. The petitioner approached respondent No.4 with details of students i.e., details regarding student strength during the academic years 2024-25. As per details furnished, the student strength in each class 9 and 10 are more than 25. The petitioner sought for permission to log in to the portal to upload details of students so that they can appear for 10th standard examinations. The respondents have turned down the request made by the petitioner by issuing an endorsement dated 25.11.2025 vide Annexure-F issued by respondent No.4. The action of the respondent in refusing to continue the recognition without providing an opportunity of personal hearing is arbitrary and erroneous and in violation of principles of natural justice.

8. Further, in order to consider the case on hand, it is necessary to examine Section 39 of the Act of 1983



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which provides for withdrawal of the recognition, which reads as follows:

39. Withdrawal of recognition.-

(1)Where any local authority or the Governing Council of any private educational institution,-

(a)fails to fulfill all or any of the conditions of recognition or fails to comply with the orders of the competent authority in regard to accommodation, equipments, syllabi, text books, appointment, punishment and dismissal of teachers;

(b)denies admission to any citizen on ground of religion, race, caste, language or any of them;

(c)directly or indirectly encourages in the educational institution any propaganda or practice wounding the religious feelings of any class of citizens of India or insulting religion or the religious belief of that class;

(d)employs or continues to employ any teacher whose certificate has been cancelled or suspended by the competent authority after due enquiry or who has been considered by the competent authority after due enquiry to be unfit or undesirable to be a teacher or arbitrarily terminates the services of a teacher or fails to comply with the orders of the competent authority in this regard;

(e)fails to remedy the defects in the instruction or accommodation or deficiencies in the management or discipline within such time as may be specified therefor by the competent authority;

(f)contravenes any of the provisions of this Act, the rules and orders made thereunder, the



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competent authority may, for reasons to be recorded in writing, withdraw the recognition of the institution or take such other action as is deemed necessary, after giving to the local authority or as the case may be, the Governing Council an opportunity of making its representation against such withdrawal or action.

(2)Where the State Government is of the opinion that the recognition granted to any local authority institution or private educational institution should, in the public interest be withdrawn, they may after giving to the local authority or as the case may be the Governing Council of the institution one month's notice to make any representation, withdraw by notification the recognition granted to the said institution.

(3)Notwithstanding anything contained in any other law for the time being in force, no educational institution which has not been recognised, or the recognition of which has been withdrawn under this Act shall be entitled to,-

(a)receive any grant-in-aid from the State funds or other financial assistance or other facilities from the Government;

(b)send up or present candidates for examinations in courses of study conducted by a University or the Government.

9. From the bare reading of Section 39 of the Act of 1983, insofar as relevant to the case on hand, it may be noted that where any local authority or the Governing Council of any private educational institution fails to fulfil



all or any of the conditions of recognition, or fails to comply with the orders of the competent authority in regard to accommodation, equipments, syllabi, text books, appointment, punishment and dismissal of teachers, or denies admission to any citizen on ground of religion, race, caste, language or any of them, the competent authority may, for reasons to be recorded in writing, withdraw the recognition of the institution or take such other action as is deemed necessary, after giving to the local authority or, as the case may be, the Governing Council an opportunity of making its representation against such withdrawal or action.

10. Admittedly, in the instant case, the competent authority has not granted an opportunity of making its representation against such withdrawal or action, as mandated under Section 39 of the Act of 1983. Thus, the action of respondent No.3 in withdrawing recognition vide Annexure-C is in violation of Section 39 of the Act of 1983.



Consequently, the endorsement dated 25.11.2025 issued by respondent No.4 vide Annexure-F, declining to grant permission solely on the ground of the said withdrawal, is also vitiated and cannot survive independently of Annexure-C. In view of the above discussion, the impugned orders are hereby quashed.

11. Accordingly, I proceed to pass the following:

ORDER

- i. The writ petition is ***allowed.***
- ii. The impugned order dated 20.06.2025 issued by respondent No.3 vide Annexure-C and the impugned order dated 25.11.2025 issued by respondent No.4 vide Annexure-F are hereby quashed.
- iii. Respondent No.3 is directed to reconsider the case of the petitioner to grant recognition for classes 9 and 10 in the school namely Udaya English Medium High School, Bettageri, Kodagu run by petitioner Society for the academic years 2024-25



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and pass an appropriate order after providing an opportunity of hearing.

iv. Pending application/s, if any, shall stand disposed of.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

SSB