



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 455 OF 2025 (EDN-RES)

BETWEEN:

SRI CHANNAKESHAVASWAMY BALIKA
PROUDHA SHALE
MANAGED BY SC EDUCATION LEAGUE ®
SALIGRAMA, KR NAGARA TALUQA
MYSURU DISTRICT 571604
REP. BY ITS SECRETARY
(M. CHANNAMALLIAH)

...APPELLANT

(BY SRI. H KANTHARAJ, SENIOR ADVOCATE FOR
SRI. SOMASHEKHARAI AH R P, ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF HIGHER AND
PRIMARY EDUCATION
M S BUILDING DR AMBEDKAR VEEDHI
BENGALURU-560 002
REP BY ITS SECRETARY.
2. THE COMMISSIONER
DEPARTMENT OF PUBLIC INSTRUCTIONS
NRUPATHUNGA ROAD
BENGALURU-560002

Digitally
signed by
NIRMALA
DEVI

Location:
HIGH
COURT OF
KARNATAKA



3. THE DEPUTY DIRECTOR
OF PUBLIC INSTRUCTIONS MYSURU
MYSURU DISTRICT 570001
4. THE BLOCK EDUCATION OFFICER
KR NAGAR KR NAGAR TALUQA
MYSURU DISTRICT - 571604

...RESPONDENTS

(BY SRI. K.S. HARISH, GA)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET-ASIDE THE ORDER PASSED BY THE LEARNED SINGLE DATED 15/04/2024 PASSED IN WP NO.7545/2024 JUDGE AND BE FURTHER PLEASED TO ALLOW THE WRIT PETITION AND ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE C.M. POONACHA)

1. The present *intra* Court appeal is filed by the writ petitioner impugning an order dated 15.04.2024 (**impugned order**) passed in Writ Petition No.7545/2024 (EDN-RES), whereunder the learned Single Judge has dismissed the writ petition. The appellant/petitioner filed the said writ petition impugning an order



dated 22.02.2024 passed by respondent No.2 - The Commissioner, Department of Public Instructions, withdrawing the recognition of the appellant under Section 39 of the Karnataka Education Act, 1983 [**Act**].

2. The relevant facts in a nutshell leading to the present appeal are that the appellant was running a school at Saligrama Village, K.R.Nagar Taluk, Mysuru District, since 1980 for standards VIII to X in Kannada medium. The appellant was a grant-in-aid school. A notice was issued in the year 2018 to close down the school on the ground that there was shortage of students.

3. The appellant made various representations to the Deputy Director of Public Instructions. Thereafter, the appellant filed a writ petition – Writ Petition No.25512/2022. This Court by order dated 12.04.2023 allowed the writ petition and directed the State to consider the representations made by the appellant. Pursuant to the directions issued by this Court, a three member Committee was constituted to inspect the appellant school and submit a report.

4. Pursuant to the report of the three member Committee, the State vide order dated 07.07.2023, noticing that the school was



closed from the year 2018-19 due to lack of admission and the staff of the said school were re-allotted to other schools, ordered that there was no provision to recognize the said school and to continue grant-in-aid as per the Act. The said order dated 07.07.2023 was the subject matter of challenge before this Court in Writ Petition No.16794/2023. This Court had appointed an Advocate - Commissioner to inspect the school and submit a report. Accordingly, a report was submitted by the Court Commissioner. The State filed objections to the said report. Vide order dated 25.01.2024 the learned Single Judge of this Court dismissed the writ petition. Relevant extracts of the said order is as under:

"18. In view of above facts and circumstances, failure of petitioner school to show minimum admission and attendance of pupils in compliance with required standards and failure to show improvement despite being provided opportunity in year 2016 as well as in year 2018 would not inspire this Court to provide further opportunity to make efforts for improving strength of admission and attendance of pupils. In fact, petitioner would be bound by its affidavit undertaking given to authorities at Annexure-R4 which can also be considered as admission of default.



19. Under such circumstances, ratio of decisions relied upon would not come to aid of petitioner in challenging impugned order at Annexure-N.

20. Hence, writ petition lacks merit and is accordingly dismissed."

(es)

5. The said order dated 25.01.2024 was the subject matter of challenge in Writ Appeal No.323/2024. A Coordinate Bench of this Court vide order dated 06.03.2024 disposed of the said writ appeal.

The relevant portion of the said order reads as under:

"2. Learned Additional Government Advocate has made available copy of the order passed by Hon'ble Single Judge in WP No.26871/2023 dated 24.01.2024, wherein petition filed by 30 petitioners who are claiming to be students of petitioner-Institution came to be dismissed as the Institution itself has filed the writ petition and the same is pending. She has also made available copies of the admission cards issued to the 30 students through Government P.U. College, Adaganahalli, K.R. Nagar. The same is in conformity her submission that arrangement is made in the interest of the students.

3. Since the alternate remedy is made available to these students to write their upcoming SSLC Examinations,



the purpose of this writ appeal has become infructuous and accordingly, writ appeal stands disposed of."

(es)

6. Subsequently, the State has passed the order dated 22.02.2024, whereunder the recognition of the school has been withdrawn. Being aggrieved, the appellant filed the subject writ petition (being W.P.No.7545/2024). The learned Single Judge noticing the orders passed by this Court in the earlier round of litigations, dismissed the writ petition. The relevant portion of the impugned order reads as under:

"4. A perusal of the order passed by the Co-ordinate Bench of this Court in W.P.No.16974/2023 would indicate that the Co-ordinate Bench has considered all the aspects including the commissioner report and as to whether there were students studying in the school of the petitioner or not. The Coordinate Bench has come to a categorical conclusion that there are no such students and has dismissed the said petition.

5. This aspect having attained finality, in my considered opinion, cannot be reopened in the present petition. More so, when W.A.No.323/2024 challenging the said order at this stage, learned counsel for the petitioner seeks permission to move the Division Bench seeking clarification, and the petitioner always would have that



liberty, no grounds have been made out in the present petition. Hence, the petition is dismissed."

(es)

7. Learned Senior Counsel for the appellant contends that as per Section 39(2) of the Act, one month's notice is required to be given to the institution before the recognition is withdrawn, which has not been done in the present case. The said contention does not merit consideration. Section 39(2) of the Act reads as under:

39. Withdrawal of recognition.-

xxxx

(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.

8. In the present case, an endorsement dated 07.07.2023 was issued rejecting the representation made by the appellant pursuant to the order dated 12.04.2023 passed in Writ Petition No.25122/2022. Before the said endorsement dated 07.07.2023 was issued, a three member Committee had visited the school on



19.5.2023 and it was noticed that there was lack of basic amenities to run the High School and had opined that it would be impertinent to open the school. It was also noticed that the students' attendance, teachers' salary disbursement register and other documents for the period 2017-18 to 2022-23 were not produced. The report also stated that there was 'Nil' attendance in the school from the academic year 2018-19 and classes were not running in the said school. Noticing the said report, the endorsement dated 07.07.2023 was issued rejecting the representation made by the appellant. Being aggrieved, the appellant had preferred Writ Petition No.26871/2023. This Court had appointed a Court Commissioner, who submitted a report. This Court by order dated 25.01.2024, after noticing the material on record as well as the report of the Advocate - Court Commissioner, dismissed the writ petition.

9. It is forthcoming from the said order dated 25.01.2024 that the appellant (writ petitioner in the said petition) had taken a contention that one month prior notice as contemplated under Section 39(2) of the Act was not issued. The said contention was considered by the learned Single Judge and it was held that the



authorities had noticed shortage of admission and attendance of the students in the school way back in the year 2016 and had granted time for improvement. Hence, the appellant was aware of the deficiencies. It was further noticed that despite the undertakings given by the appellant for improvement, on failure of the appellant to abide by the same, after providing an opportunity of hearing, the endorsement dated 07.07.2023 was passed rejecting the representation of the appellant. Hence, the contention of the appellant regarding non-issuance of one month's notice was rejected.

10. The appellant already having been notified of the deficiencies; the said deficiencies not having been rectified despite an undertaking by the appellant to do so; the request made by the appellant for reopening the school having been rejected vide the said order dated 07.07.2023; the challenge to which was rejected vide the order dated 25.01.2024 passed in Writ Petition No.16794/2023 as also vide order dated 06.03.2024 passed in Writ Appeal No.323/2024, the contention of the appellant alleging violation of Section 39(2) of the Act is *ex facie* untenable and liable to be rejected.



11. The learned Single Judge had noticed that the grievance of the writ petitioner having been adequately addressed in Writ Petition No.16974/2023 and the order passed in the said writ petition having been affirmed in Writ Appeal No.323/2024, the question of once again adjudicating upon the grievance put forth by the petitioner does not arise. We find no reason to interfere with the order passed by the learned Single Judge.

12. Further, it is relevant to note that the present appeal has been filed after an inordinate delay of 300 days. IA.No.1/2025 is filed seeking to condone the said delay. It is deposed in the affidavit filed in support of the application that vide the impugned order, the learned Single Judge had also granted liberty to move the Coordinate Bench in Writ Appeal No.323/2024 and that the appellant having made an application for clarification/modification, which was rejected vide order dated 26.11.2024, the appeal was filed thereafter. The said reason also does not merit acceptance. The prayer made by the appellant in the writ petition having been rejected, the same ought to have been filed within the stipulated



time. The reason afforded to condone the delay does not tantamount to sufficient cause.

13. In view of the aforementioned, the above appeal is dismissed on delay as well as on merits.

14. Pending IAs., if any, stand disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

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List No.: 2 Sl No.: 24