



CNR: KAHC010232262026

NC: 2026:KHC:42900
WP No. 10602 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 10602 OF 2026 (EDN-RES)

BETWEEN:

DR. B.R. AMBEDKAR EDUCATION SOCIETY
GODEKERE, CHINNANAYAKANAHALLI - 5772214
TUMAKURU DISTRICT
REP. BY ITS SECRETARY,
G.N. VASANTHKUMAR,
AGED ABOUT 56 YEARS,

...PETITIONER

(BY SRI. JAGADEESH D.C, ADVOCATE)

AND:

1. THE COMMISSIONER
DEPT. OF SCHOOL EDUCATION
NRUPATHUNGA ROAD,
NEAR K.R. CIRCLE,
BENGALURU - 560 001.
2. THE DIRECTOR
(SECONDARY EDUCATION)
DEPT. OF SCHOOL EDUCATION
NRUPATHUNGA ROAD,
NEAR K.R. CIRCLE,
BENGALURU - 560 001.

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signed by
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Location:
HIGH COURT
OF
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3. THE DEPUTY DIRECTOR OF
PUBLIC INSTRUCTION,
(ADM) DEPT. OF SCHOOL EDUCATION.
TUMAKURU - 572 101.
4. THE BLOCK EDUCATION OFFICER
DEPT. OF PUBLIC INSTRUCTION AND LITERACY
CHINNANAYAKANAHALLI TALUK,
TUMAKURU - 572 214.

...RESPONDENTS

(BY SMT. RASHMI RAO, HCGP)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO A) QUASHING THE IMPUGNED ORDER DATED 07/03/2026 BEARING NO. C8(1)SHASHIA.ASHA.MU/2024-25E-1622929 ISSUED BY THE FIRST RESPONDENT NO.2 VIDE ANNEXURE-E, AND THE ORDER BEARING NO. VIDE ANNEXURE-E AND THE ORDER BEARING NO. ANU1(5)KHA.SHA.DURU.51/2024-25/3072 VIDE ORDER DTD. 16.03.2026 ANNEXURE-E1 IN PASSED BY THE 3RD RESPONDENT, AS THE SAME ARE ILLEGAL AND CANNOT SUSTAINED IN LAW AND ETC.,

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

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



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ORAL ORDER

The petitioner filed this writ petition seeking following reliefs:

WHEREFORE, the Petitioner most respectfully prays that, this Hon'ble Court be pleased to;

- a) Issue a writ or order/direction in the nature of certiorari quashing the impugned order dated 07/03/2026 bearing No. ಸಿ8(1)ಶಾಲಿಅ.ಅಶಾ.ಮು./2024-25ಇ-1622929 by the first Respondent No.2 vide Annexure-E, and the order bearing No.ಅನು1(5).ಖಾ.ಶಾ.ದೂರು.51/2024-25/3072 Vide order dated 16.03.2026 Annexure-E1 passed by the 3rd Respondent, as the same are illegal and cannot sustained in law,*
- b) Pass any other suitable order/s which may deems fit in the facts and circumstances of the case in the interest of justice and equity.*

2. The petitioner-institution is imparting education from class 8 to class 10 standard. It appears that the school has not maintained the attendance of the students due to which an impugned order came to be passed under Section 39 of the Karnataka Education Act, 1983 (hereinafter referred to as 'Act 1983').

3. Learned counsel for the petitioner submit that the respondent without issuing a notice or without holding an



enquiry as contemplated under Section 39 of the Act 1983, has passed an impugned order. It is contented that the respondent has not issued any notice as provided under Section 39(2) of the Act 1983 before withdrawing the recognition granted to the petitioner-institution. Thus the impugned order is opposed to principles of natural justice.

4. On the other hand, learned High Court Government Pleader appearing for the respondent contended that the respondent before passing an impugned order has complied the provisions of Section 39 of the Act 1983 and hence, prays to dismiss the writ petition.

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

6. It is an undisputed fact that the petitioner institution is running a higher primary school after obtaining the necessary permission from the respondents. The respondent has passed an impugned order containing that the petitioner has not maintaining the minimum admissions of the students. Hence, on the said ground an order of cancellation of recognition was



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passed. In order to consider the case on hand it is necessary to examine Section 39 of the Act 1983, 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 competent authority may, for reasons to be recorded in writing, withdraw the recognition of the institution or take



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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."

7. From a bare reading of the said section, it is clear that before withdrawing the recognition, the competent authority must give to the local authorities or as the case may be an opportunity of making representation against such withdrawal of action. Perusal of the impugned order shows that the respondent has not issued a show cause notice as contemplated under the aforesaid provision. It is well settled



that before withdrawal of a recognition or taking any action under Section 39 of the Act 1983, it must be preceded by show cause notice to enable the institution to make a representation. Thus, it is clear that the impugned order is violative of Section 39(2) of the Act 1983. Hence, on this ground alone, the impugned order is liable to be quashed. In view of the above discussion, I proceed to pass the following:

ORDER

- i. The writ petition is **allowed**.
- ii. The impugned order dated 07.03.2026 issued by respondent No.2 vide Annexure-E and order dated 16.03.2026 issued by respondent No.3 vide Annexure-E1 are hereby quashed.
- iii. Respondent No.1 is directed to re-examine the case of the petitioner in accordance with law. The petitioner in order to show his bonafide has brought two demand drafts of ₹5,00,000/- in the name of respondent No.4. The demand drafts are handed over to the learned High Court Government Pleader



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towards the cost. The High Court Government Pleader acknowledges the same.

- iv. Respondent No.1 is directed to take lenient view while passing an order under Section 39 of the Act, 1983.
- v. The said exercise has to be accomplished within a period of 15 days from the date of receipt of copy of this order. Meanwhile the respondents are directed not to take any coercive action against the petitioner.

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