



CNR: KAHC010239262019

NC: 2026:KHC:44599
WP No. 35126 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 35126 OF 2019 (S-RES)

BETWEEN:

1. SRI. K. RUDRESH
S/O.SRI KODAPPA,
AGED 52 YEARS
MAJOR,
R/A BISCUR VILLAGE AND POST,
MAGADI TALUK,
RAMANAGARA DISTRICT - 562 120.

... PETITIONER

(BY SRI. K.N. NITISH, ADVOCATE FOR
SRI K V NARASIMHAN., ADVOCATE)

AND:

1. THE PRESIDENT
SUGGANAHALLI SRI.RANGANATHA SWAMY
EDUCATION SOCIETY (REGD),
KENKERE, SUGGANAHALLI,
MAGADI TALUK,
RAMANAGARA DISTRICT - 562 120
DULY REPRESENTED BY ITS PRESIDENT,
SUGGANAHALLI SRI.PUTTARANGAPPA.
2. SRI PUTTRANGAPPA
S/O SRI.A. PANDURANGAPPA,
PRESIDENT,
SUGGANAHALLI SRI.RANGANATHA SWAMY
EDUCATION SOCIETY (REGD),
KENKERE, SUGGANAHALLI,
MAGADI TALUK,

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signed by
SHILPABAI S
Location:
HIGH COURT
OF
KARNATAKA



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RAMANAGARA DISTRICT - 562 120
DULY REPRESENTED BY ITS SECRETARY,
SRI.DODDANANJIAH.

3. THE SECRETARY
SUGGANAHALLI SRI.RANGANATHA SWAMY
EDUCATION SOCIETY (REGD),
KENKERE, SUGGANAHALLI,
MAGADI TALUK,
RAMANAGARA DISTRICT.
DULY REPRESENTED BY ITS SECRETARY,
SRI DODDANANJIAH
4. SRI DODDANANJIAH
S/O.SRI.MARAIH,
R/AT KAHAPURA,
HOLAVANAHALI HOBLI,
KORATAGERE TALUK,
TUMKUR DISTRICT - 562 159
SECRETARY,
SUGGANAHALLI SRI.RANGANATHA SWAMY
EDUCATION SOCIETY (REGD),
KENKERE, SUGGANAHALLI,
MAGADI TALUK,
RAMANAGARA DISTRICT.
5. SRI G MANJUNATHA
SAID TO HAVE BEEN APPOINTED AS THE PRINCIPAL
AS WELL AS ECONOMICS LECTURER,
SRI.SSS PU COLLGE, RUN UNDER THE SOCIETY
NAMELY SUGGANAHALLI SRI.RANGANATHA SWAMY
EDUCATION SOCIETY (REGD),
KENKERE, SUGGANAHALLI,
MAGADI TALUK,
RAMANAGARA DISTRICT - 562 120.
6. THE DEPUTY DIRECTOR OF
P.U.PRE UNIVERSITY BOARD,
DDPU OFFICE, RAMANAGARA TOWN,
RAMANAGARA TALUK - 562 159



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7. THE COMMISSIONER
PRE-UNIVERSITY BOARD,
18TH CROSS, MALLESWARAM,
BENGALURU - 560 003.
8. THE PRINCIPAL SECRETARY
DEPARTMENT OF EDUCATION,
GOVERNMENT OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRTARY,
MULTISTORIED BUILDING,
DR.AMBEDKAR VEEDHI,
BENGALURU-560 001.

... RESPONDENTS

(BY SRI. M. VINAYA KEERTHY, ADVOCATE FOR R3 AND R4;
R1. R2 AND R5 - SERVED;
SRI G. RAMESH NAIK, AGA FOR R6 TO R8)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH / SET ASIDE THE ORDER DATED 28.11.2018 PASSED IN MA (EAT) NO.4/2015 BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, RAMANAGARA i.e. EDUCATIONAL APPELLATE TRIBUNAL, AT ANNEXURE-C.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

Petitioner has filed this writ petition challenging the judgment dated 28.11.2018 passed in E.A.T. No.4/2015 by the Principal District and Sessions Judge, Ramanagara.



2. The brief facts leading rise to filing of this writ petition are as follows:

3. Petitioner was appointed as a Second Division Clerk in the 1st respondent - Institution. Respondent No.1 issued an appointment order dated 16.11.1988. On the same day, petitioner reported for the duty. Respondent No.1 was running a Pre-University College by name Shukapuri Shri Shukamarshi Pre-University College since 1988-89. The said college was admitted to grant-in-aid by notification dated 07.05.2007. The 1st respondent moved an application with details of teaching and non-teaching staff of the College along with the name of the petitioner to the Pre-University Board. The check list was returned by the Board because of the policy of the Single Window System introduced by the Department of Pre-University Board, Government of Karnataka, dated 15.10.2008, for moving afresh.



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4. Considering the service, efforts and sincerity of the petitioner, the Management forwarded the proposal for admitting the petitioner's post for grant-in-aid. This being the position, respondent Nos. 1 to 5 without the consent of the previous management, thrown out the petitioner and the Lecturer without assigning any reason. Petitioner submitted a representation to respondent No.6. Respondent Nos. 1 to 5 refused to assign work to the petitioner. Petitioner aggrieved by the inaction on the part of respondent Nos. 1 to 5 refusing to assign work to the petitioner, filed an appeal in E.A.T. No.4/2015 before the Educational Appellate Tribunal, Ramanagara.

5. Respondent Nos.1 to 4 filed statement of objections before the Educational Appellate Tribunal denying all the averments made in the memorandum of appeal and it is contended that the petitioner was appointed by the Old Management of the respondent - Institution which was headed by its President Sri. B. M.



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Maraiah and Secretary Smt. Siddagangamma. It is stated that the teaching and non-teaching staff under the old management were indulged in malpractice during examination and in that regard, a criminal case was registered against them. It is also contended that the petitioner was appointed on a temporary basis and not on permanent basis and therefore, the action of the respondents in not assigning the work is just and proper. Hence, he prays to dismiss the appeal.

6. The Tribunal framed the following points for consideration:

"1. Whether the appellant is entitled for the reliefs claimed in this Appeal?

2. What order?"

7. The Tribunal after hearing the learned counsel for the parties, answered Point No.1 in the negative and as



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per the final order, the appeal was dismissed vide judgment dated 28.11.2018.

8. Petitioner aggrieved by the judgment passed in E.A.T. No.4/2015 filed this writ petition.

9. Heard the arguments of the learned counsel for the petitioner and the learned counsel for the respondents.

10. Learned counsel for the petitioner submits that the petitioner was appointed against the sanctioned post and in order to show that he was appointed against the sanctioned post, has produced the appointment order before the Educational Appellate Tribunal. The Educational Appellate Tribunal without considering the appointment order produced by the petitioner, has passed the impugned judgment. He submits that the Educational Appellate Tribunal has not recorded the evidence. Thus, the procedure adopted by the Educational Appellate Tribunal is arbitrary and erroneous. He submits that the



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respondent - Institution itself has recommended for grant-in-aid of the petitioner's post. Such aspect was also not considered by the Educational Appellate Tribunal. Hence, he submits that the judgment passed by the Educational Appellate Tribunal is arbitrary and erroneous. Hence, he prays to allow the writ petition and set aside the judgment passed by the Educational Appellate Tribunal and remit the matter to the Educational Appellate Tribunal with a direction to record the evidence of the parties and then pass appropriate judgment in accordance with law.

11. Per contra, learned counsel appearing for the Institution supports the impugned judgment and submits that the petitioner was appointed on a temporary basis and not on a permanent basis. The petitioner and others were involved in mal-practice and criminal case was registered against them. Since the petitioner was appointed on a temporary basis, there is no need to hold an enquiry against the petitioner. The action of the



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respondent - Institution in not continuing the petitioner is just and proper and does not call for interference at the hands of this Court. Hence, prays to dismiss the writ petition.

12. Perused the records and considered the submissions of the learned counsel for the parities.

13. It is an undisputed fact that the petitioner was appointed as a Second Division Clerk in the 1st respondent - Institution vide appointment order dated 16.11.1988. The 1st respondent moved an application with the details of teaching and non-teaching staff of the college along with the name of the petitioner to the Pre-University Board. The management forwarded the proposal for admitting the petitioner's post to grant-in-aid. Respondent Nos. 1 to 5 refused to assign work to the petitioner on the ground that the petitioner was a temporary employee and he was not appointed on a permanent basis.



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14. The petitioner aggrieved by the inaction on the part of respondent No.1 - Institution not permitting the petitioner to work, approached the Educational Appellate Tribunal. The petitioner has produced the appointment order dated 16.11.1988 before the Educational Appellate Tribunal and also produced the records to show that the management has recommended for grant-in-aid to the petitioner's post. The Tribunal without looking into the documents produced by the petitioner has proceeded to pass the impugned judgment. The Educational Appellate Tribunal could have given an opportunity to the parties to adduce evidence to ascertain whether the petitioner was appointed on a temporary or permanent basis. The Educational Appellate Tribunal without providing an opportunity to lead evidence, based on the objections filed by respondent No.1- Institution has recorded a finding that the petitioner was appointed on a temporary basis.



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15. If the petitioner was appointed on a temporary basis, there was no occasion for the respondent No.1 to send a proposal to the Pre-University Board for admitting grant-in-aid to the petitioner's post. The said aspect was not considered by the Educational Appellate Tribunal and proceeded to pass the impugned judgment. The procedure adopted by the Educational Appellate Tribunal without recording the evidence and passing impugned judgment is arbitrary. Thus, the impugned judgment passed by the Educational Appellate Tribunal is in violation of the principles of natural justice. Hence, on this ground alone, the impugned judgment is liable to be set aside.

16. In view of the discussion, I proceed to pass the following:

ORDER

- (i) Writ petition is **allowed**.
- (ii) The impugned judgment dated 28.11.2018 passed in E.A.T. No.4/2015 by the Principal



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District and Sessions Judge, Ramanagara, is hereby set aside.

(iii) E.A.T. No.4/2015 is restored to its original file.

(iv) The Educational Appellate Tribunal is directed to provide an opportunity to the parties to lead evidence and thereafter pass a judgment in accordance with law.

(v) The parties are directed to appear before the Educational Appellate Tribunal on 12.10.2026 without awaiting further notice.

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

VP