



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 7793 OF 2021 (S-RES)

BETWEEN:

1. DR CHENRAJ JAIN
AGED ABOUT 59 YEARS
FOUNDER CHAIRMAN
JAIN GROUP OF INSTITUTIONS
JAIN UNIVERSITY, KANAKAPURA ROAD
BENGALURU-562112.
2. SANTOSH
AGED ABOUT 33 YEARS
ADMINISTRATIVE HEAD
ARKA EDUCATIONAL AND CULTURAL TRUST
2ND CROSS 9TH CROSS, J P NAGAR
3RD CROSS, BENGALURU-560078.
3. CHIEF OPERATING OFFICER (C.O.O.)
CHETHAN
AGED ABOUT 43 YEARS
JAIN PUBLIC SCHOOL BUILDING
OORUKERE VILLAGE
TUMKURU TALUK-572106.

Digitally signed by
MALATHI CHALUVA
IYENGAR
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SMT. ASHWINI N RAVINDRA, ADVOCATE)

AND:

1. SMT. PANKAJA S BHUSHAN
W/O SHASHI BHUSHAN
AGED ABOUT 40 YEARS
R/AT JAYANAGARA
TUMAKURU-572101.



2. BLOCK EDUCATION OFFICER
TUMAKURU TALUK
TUMAKURU-572101.
3. DEPUTY DIRECTOR OF
PUBLIC INSTRUCTIONS (D.D.P.I)
TUMAKURU DISTRICT
TUMAKURU, DR RADHAKRISHNA ROAD
TUMAKURU-572102.

...RESPONDENTS

(BY SRI.THYAGARAJA S, ADVOCATE FOR R1:
SRI. G RAMESH NAIK, AGA FOR R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS IN EAT NO.3/2018 ON THE FILE OF PRINCIPAL DISTRICT AND SESSIONS JUDGE, TUMAKURU, SET ASIDE THE JUDGMENT AND ORDER DATED 22.01.2020 ANNEXURE-A PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, TUMAKURU IN EAT NO.3/2018 AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition, the petitioners have called in question the order dated 22.01.2020 passed by the Education Appellate Tribunal and the Court of the Principal District and Sessions Judge, Tumakuru in E.A.T.No.3/2018, whereby the appeal filed by respondent



No.1 herein has been allowed and the termination/letter dated 15.06.2018 has been set aside.

2. The case of the petitioner is that the petitioner is running the Jain Group of Institutions. Respondent No.1 was appointed as a Kindergarten Teacher at Jain Public School, Tumkuru, vide appointment letter dated 23.04.2013. Thereafter, by letter dated 15.06.2018, respondent No.1 was relieved from service. Being aggrieved by the same, respondent No.1 filed an appeal before the Education Appellate Tribunal (EAT) under Section 94 of the Karnataka Private Education Act, 1983 (hereinafter referred to as "the Act" for short). Even though the Tribunal has given a clear finding that the termination of respondent No.1 was simplicitor and without conducting any enquiry, it has entertained the appeal filed under Section 94 of the Act. Being aggrieved by the same, the petitioners are before this Court.

3. Heard the learned counsel for the parties. Perused the writ petition papers.



4. Even though the appeal against the order of termination of respondent No.1 was simplicitor, the same is not maintainable before the EAT.

5. The Division Bench of this Court in the case of **Management of M.S.Ramaiah Medical College and Hospital vs. Dr.M.Somashekar** reported in **ILR 2004 KAR 37** has considered Section 94 of the Act and has held in paragraph No.11 as follows:

"11. We may sum up the position regarding remedies available to an employee (including a teacher) of Private Educational Institution thus:

- (i) The remedy against an order imposing the penalty of dismissal, removal or reduction in rank, is by way of appeal to the Educational Appellate Tribunal under Section 94(1).*
- (ii) The remedy against an order imposing any other penalty, is by way of an appeal to the competent Authority under Section 94(5) with a further appeal to the Educational Appellate Tribunal under Section 94(7).*
- (iii) The remedy against any order of management which is not punitive in nature, is by way of revision to the State Government under Section 131.*



(iv) Where an employee contends and establishes that the order of termination simplicitor or retrenchment, as the case may be, passed by the Management is really an order imposing punishment/penalty of dismissal or removal, and files an appeal under Section 94(1), the Tribunal can go behind the form of the order and decide upon the true nature of the order, that is whether the order is merely what it purports to be, or whether it is cloak for punishment/penalty, either as a disciplinary measure or as victimisation. If it concludes that the order is a cloak for dismissal or removal, the appeal will be maintainable and it can proceed to hear and dispose of the appeal on merits."

6. In view of the above, the appeal filed by respondent No.1 before the EAT under Section 94 of the Act is not maintainable. Hence, I pass the following order:

ORDER

- a) The writ petition is **allowed**.
- b) The judgment dated 22.01.2020 passed by EAT in E.A.T.No.3/2018 vide Annexure-A is hereby set aside.



- c) Liberty is reserved to respondent No.1 herein to avail alternative remedy available under Karnataka Private Education Act, 1983, in accordance with law.
- d) If respondent No.1 approaches the appropriate authority under the provisions of the Act within four weeks from the date of receipt of copy of this order, the Competent Authority is directed to consider the same without going into the delay, on merits.
- e) All the contentions of the parties are left open.

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**