



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JANUARY, 2026

BEFORE

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

WRIT PETITION NO. 18562 OF 2025 (S-RES)

C/W

WRIT PETITION NO. 13899 OF 2025 (S-RES)

IN WP NO. 18562/2025

BETWEEN:

SRI. H T ANNESHI
S/O H D THIPPESWAMY
AGED ABOUT 56 YEARS
WORKING AS LECTURER IN ECONOMICS
SRI RANGANATHA SWAMY PU COLLEGE
JANUKONDA, CHITRADURGA TALUK & DISTRICT.
...PETITIONER

(BY SRI. PADMANABHA.R., ADVOCATE)

AND:

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

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF SCHOOL EDUCATION & LITERACY
M S BUILDING, DR. AMBEDKAR VEEDHI
BENGALURU 560 001.
2. THE DIRECTOR
DEPARTMENT OF SCHOOL EDUCATION
AND LITERACY(PRE UNIVERISTY)
18TH CROSS MALLESHWARAM
BENGALURU 560 003.



3. THE DEPUTY DIRECTOR
DEPARTMENT OF SCHOOL EDUCATION
AND LITERACY (PRE -UNIVERSITY)
CHITRADURGA 577501.
4. THE PRESIDENT
VALMIKI EDUCATION SOCIETY (R)
KARUVINAKATTE CIRCLE
CHITRADURGA 577501.
5. THE SECRETARY
VALMIKI EDUCATION SOCIETY (R)
KARUVINAKATTE CIRCLE
CHITRADURGA 577501.
6. THE PRINCIPAL
SRI RANGANATHASWAMY PU COLLEGE
JANUKONDA VILLAGE
PANDARAHALLI POST
CHITRADURGA TALUK
AND DISTRICT 577555.

...RESPONDENTS

(BY SMT. ANITHA N., AGA FOR R1 TO R3:
SRI. A C BALRAJ, ADVOCATE FOR R4& R5
R6 IS SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
ISSUE A WRIT IN THE NATURE OF CERTIORARI TO QUASH
THE IMPUGNED ORDER DATED 12.03.2025 PASSED BY
THE 2ND RESPONDENT IN THE APPEAL NO.2/2023 VIDE
ANNEXURE-F AND ALSO QUASH THE ORDER OF
SUSPENSION BEARING NO.VA VI SA. 14/2023-24 DATED



10.07.2023 PASSED BY THE 4TH AND 5TH RESPONDENT
MANAGEMENT VIDE ANNEXURE-D AND ETC.

IN WP NO. 13899/2025

BETWEEN:

1. VALMIKI EDUCATION SOCIETY (R)
KARUVINAKATTE CIRCLE
CHITRADURGA-577501
REP. BY ITS PRESIDENT
SRI. THIPPESWAMY
S/O. KATTAIAH
AGED ABOUT 45 YEARS.
2. VALMIKI EDUCATION SOCIETY (R)
KARUVINAKATTE CIRCLE
CHITRADURGA-577501
REP. BY ITS SECRETARY
SRI.S.SANDEEP
S/O.SURA NAYAK
AGED ABOUT 40YEARS.
3. THE PRINCIPAL,
SRI. RANGANATHASWAMY
PRE-UNIVERSITY COLLEGE
JAANAKONDA, CHITRADURGA TALUK
CHITRADURGA DISTRICT-577555.

...PETITIONERS

(BY SRI. A C BALARAJ., ADVOCATE)

AND:

1. THE DIRECTOR
OFFICE OF THE DIRECTOR
SCHOOL EDUCATION DEPARTMENT



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(PRE-UNIVERSITY), 18TH CROSS ROAD
MALLESWARAM, BENGALURU-560 012.

2. THE DEPUTY DIRECTOR,
EDUCATION DEPARTMENT
(PRE-UNIVERSITY),
CHIRTRADURGA DISTRICT
CHITRADURGA-577501.
3. SRI.H.T.ANNESHRI,
MAJOR, LECTURER IN ECONOMICS
SRI. RANGANATHASWAMY
PRE-UNIVERSITY COLLEGE
JANUKONDA, CHITRADURGA TALUK
CHITRADURGA DISTRICT-577535.

...RESPONDENTS

(BY SMT. ANITHA N, AGA FOR R1 & R2:
SRI PADMANABHA R, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES
226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING
TO QUASH THE IMPUGNED ORDER BEARING APPEAL
NO.2/2023 DATED: 12.3.2025 PASSED BY THE 1ST
RESPONDENT VIDE ANNEXURE-T AND ETC.

THESE PETITIONS, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

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



ORAL ORDER

1. In these two writ petitions, petitioners have called in question the order dated 12.03.2025 passed by the Director, Department of School Education and Literacy (Pre University), in Appeal No.2/2023.
2. For convenience, the parties in this order are referred to as per ranking in W.P.No.18562/2025.
3. Brief facts of the case are that Mr.H.T.Anneshi (petitioner in W.P.No.18562/2`025) was appointed on 31.05.2007 as a Lecturer in Economics by the respondent Nos.4 and 5-Management i.e., Valmiki Education Society (R). Thereafter, he was posted to work at respondent No.6-College i.e., Sri Ranganathaswamy PU College, Janukunda Village, Pandarahalli Post, Chitradurga. Thereafter, his appointment was admitted to salary grant by Government Order dated 06.07.2009. When he was working as a Lecturer in respondent No.6-College, the Management by order dated 10.07.2023 (Annexure-D) has kept the petitioner under suspension. Being aggrieved by



the said order, the petitioner in W.P.No.18562/2025 filed an appeal before the respondent No.2 under Section 130 of the Karnataka Education Act, 1983 (for short 'the Act') with a prayer to direct the Management to continue the petitioner in service and to pay salary. The respondent No.2 by impugned order dated 12.03.2025 (Annexure-F) has directed the Management to pay subsistence allowance to the petitioner. Being aggrieved by the said order dated 12.03.2025, Management i.e., Valmiki Education Society has filed W.P.No.13899/2025 and Sri.H.T.Anneshi has filed W.P.No.18562/2025.

4. Learned counsel appearing for the petitioner in W.P.No.18562/2025 has submitted that the Management has kept the petitioner under suspension by order dated 10.07.2023. Neither they have completed the enquiry nor paid any subsistence allowance. The suspension order is passed contrary to the provisions of the Act. Therefore, he has approached the authority by filing an appeal challenging the suspension order.



5. Mr.A.C.Balraj, learned counsel appearing for the Management has contented that the suspension order dated 10.07.2023 is passed by the Management vide Annexure-D. Challenging the said order, the petitioner has filed an appeal before the respondent No.2 under Section 130 of the Act. Remedy of appeal under Section 130 of the Act is not available to the petitioner and the petitioner has to file a revision under Section 131 of the Act. Therefore, the impugned order dated 12.03.2025 passed by the respondent No.2 on the appeal filed by the petitioner under Section 130 of the Act, is without jurisdiction. In support of his contention, he has also relied on the decision of this Court in W.P.No.39904/2002, disposed of on 18.02.2003.

6. Learned Government Advocate appearing for the State has not disputed the said legal position.

7. Heard the learned counsel for the parties. Perused the writ papers.



8. When the petitioner was working as a Lecturer in respondent No.6-College, the Management by order dated 10.07.2023 has kept him under suspension. Being aggrieved by the same, the petitioner has filed an appeal before respondent No.2 under Section 130 of the Act.

9. Under Section 130 of the Act, any person or Governing Council, aggrieved by an order passed by an officer or authority under this Act may within the prescribed period prefer an appeal to the prescribed appellate authority.

10. However, in the case on hand, the Order under challenge before the respondent No.2 is the suspension order passed by that Management. Therefore, the appeal filed by the petitioner before the respondent No.2 under Section 130 of the Act is not maintainable. This aspect has been considered by this Court in W.P.No.39904/2002. The relevant paragraphs 5 and 6 of the said order is extracted hereinbelow:



"5. In order to appreciate the rival contentions, Sec.130 of the Karnataka Education Act, 1983, which is the section under which the Appellate Authority has purported to have exercised the power is extracted herein for ready reference.

Appeals: Save as otherwise provided in this Governing Council, Act, any or person aggrieved by an order passed by an Officer of Authority under this Act may within the prescribed period prefer an appeal to the prescribed Appellate Authority."

6. An analysis of Sec.130 indicates that if an order is passed by an 'officer' meaning an officer of the State Government who is empowered to exercise the powers under the provisions of this Act, or an 'Authority' meaning a statutory authority within, the meaning the Education Act any person an Officer or aggrieved by the orders of such Authority can file an appeal. Admittedly, in the facts of the present case, the order is passed by the petitioner who is a Private Educational Trust. The petitioner cannot be equated to an Officer or an Authority within the meaning of the two expressions stated in sec.130 of the Act. Therefore, the appeal filed by the first respondent against the orders of the private body to the Commissioner is not maintainable under Sec. 130 of the Education Act. No other provisions of the Act has been brought to the notice of this court by the counsel for the State and the first respondent authorizing the Commissioner to entertain an appeal against the orders passed by the Managing Committee of an Educational Institution. On an interpretation of Sec.130, it is clear that the Appellate Authority



has no jurisdiction to entertain the appeal against the order of a private Body."

11. In view of the above, the impugned order dated 12.03.2025 passed by the respondent No.2 at Annexure-F is without jurisdiction. Hence, the impugned order is liable to be quashed.

12. Accordingly, the following order is passed:

ORDER

- a) Writ petitions are allowed.
- b) The impugned order dated 12.03.2025 passed by the Director, Department of School Education and Literacy (Pre University), Bengaluru, (Annexure-F in W.P.No.18562/2025 and Annexure-T in W.P.No.13899/2025), is hereby quashed.
- c) The Director, Department of School Education and Literacy (Pre University), Bengaluru, is directed to transfer the Appeal No.2/2023 filed by the



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petitioner (petitioner in W.P.No.18562/2025) to
respondent No.1-State Government.

d) Thereafter, the State Government is directed to
treat the appeal as revision filed under Section 131
of the Act and consider the same and pass
appropriate orders in accordance with law, after
giving an opportunity to all the parties, within a
period of six months from the date of receipt of copy
of this order.

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

DM
LIST NO.: 1 SL NO.: 24