



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.20157 OF 2025 (EDN-RES)

BETWEEN:

1. CHETHAN EDUCATIONAL TRUST
A TRUST REGISTERED AS PER,
THE INDIAN TRUST ACT, 1882
HAVING ITS REGISTERED OFFICE AT
ANJANI EXTENSION,
CHINTAMANI,
CHIKKABALLAPUR DISTRICT - 563 125
REPRESENTED BY ITS SECRETARY
SRI. CHETHAN K.S.
2. CHETHAN PRE-UNIVERSITY COLLEGE
OFFICE AT ANJANI EXTENSION,
CHINTAMANI,
CHIKKABALLAPUR DISTRICT - 563 124
REPRESENTED BY ITS SECRETARY,
SRI. CHETHAN K.S.

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CHAYA S A

Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. ARJUN J.S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
DEPT. OF PRIMARY AND
SECONDARY EDUCATION



M.S.BUILDING,
DR. AMBEDKAR VEDHI
BENGALURU - 560001.

2. THE COMMISSIONER OF PUBLIC INSTRUCTION,
EDUCATION DEPARTMENT
K.R.CIRCLE,
BENGALURU - 560 001.
3. THE DIRECTOR
DEPARTMENT OF PRE-UNIVERSITY EDUCATION
18TH CROSS ROAD,
SAMPIGE ROAD,
MALLESHWARAM
BENGALURU - 560 012.
4. THE DEPUTY DIRECTOR OF
PUBLIC INSTRUCTIONS
DEPARTMENT OF SCHOOL EDUCATION
(PRE-UNIVERSITY)
CPHJ PLUS 58M
CHIKKABALLAPUR - 562 101.

...RESPONDENTS

(BY SMT. SUKANYA BALIGA B., AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDERS DATED 22.04.2025 PASSED BY THE 3RD RESPONDENT BEARING ORDER NO. DPUE-EST30MC(OTH)/7/2024-R AND G/1471328 AND DATED 01.04.2025 PASSED BY THE 3RD RESPONDENT BEARING ORDER NO. DPUE-EST30MC(OTH)/7/2024-R AND G/1471328 VIDE ANNEXURE-A AND B; AND ETC.



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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

Heard Sri. Arjun J.S., learned counsel appearing
for the petitioner and Smt. Sukanya Baliga, learned
Additional Government Advocate respondents.

2. In this writ petition, the petitioner is
assailing the order dated 22.04.2025 and order dated
01.04.2025 (Annexure-A and B) issued by
respondent No.3, *inter-alia*, sought for a direction to
respondent Nos. 3 and 4 to consider the
representations dated 12.09.2024 and 22.01.2025,
produced as Annexures-Q and R, respectively.

3. The learned counsel appearing for the
petitioner submitted that the petitioner-Trust is
running the 2nd petitioner Pre-University College, as
reflected in Annexure-E to the writ petition. It is



further stated that the college was closed for the academic years 2022-23 and 2023-24 on account of the demise of the Secretary of the petitioner-Society. Therefore, it is contended that the order dated 22.04.2025 issued by the respondent-authorities invoking Clause 11 of the Karnataka Pre-University Education (Academic, Registration, Administration and Grant-in-aid etc.) Rules, 2006, requires interference by this Court.

4. In this regard, the learned counsel for the petitioner submitted that before cancellation of the recognition of the institution, the respondent-authorities ought to have provided an opportunity of hearing to the petitioner-institution. Therefore, he seeks quashing of Annexure-A and the subsequent orders passed by the respondent-authorities.



5. The learned counsel for the petitioner also invited the attention of the Court to the judgment of this Court in the case of ***Nooli Channayya Smaraka v. State of Karnataka, by its Secretary, Education Department, Bangalore and others*** reported in **ILR 2004 Kar 4133** and submitted that prior notice ought to have been issued to the petitioner before taking action against the petitioner-institution.

6. Per contra, the learned Additional Government Advocate appearing for the respondent-State submitted that the petitioner-Institution admittedly did not make any admissions for the academic years 2022-23 and 2023-24. In that view of the matter, as per Clause 11(4) of the Rules referred to above, since there were zero admissions for the previous two academic years, the admissions made by the petitioner-Institution cannot be accepted.



7. Having taken note of the submissions made by the learned counsel appearing for the parties, it is the grievance of the petitioner-Institution that students have been admitted for the academic year 2024-25. However, a perusal of the record would indicate that the respondent-authorities issued notice dated 12.07.2024 (Annexure-N), notice dated 01.09.2024 (Annexure-O), and notice dated 12.09.2024 (Annexure-P) to the petitioner-Institution before passing the order at Annexure-A. Therefore, the contention raised by the learned counsel for the petitioner cannot be accepted as there is no prior notice before issuing the impugned order. It is also to be noted that the petitioner-Institution has replied to those notices as per Annexures-Q and R.

8. It is also not in dispute that no admissions were made to petitioner No.2 for the academic years



2022-23 and 2023-24 on account of the lapse on the part of the petitioner-Institution. In this backdrop, Rule 11(4) of the Rules, 2006 provides as under:

11.(4). A minimum of ten students shall be necessary in each of the language taught in Part I. If the student strength in any of the approved languages or optional subjects gets reduced below the prescribed student strength successively for three years then the college shall not admit students to the said language or optional subjects in the next academic year. Any admission made in violation of these rules shall be void, ab initio and the students shall not be eligible to appear for the annual examination.

9. A perusal of the aforementioned Clause makes it clear that in the event the student strength remains successively for three years less than the requirement under the Rules, such college shall not admit students for the next academic year. The language employed in Rule 11(4) of the above Rules



would indicate that any such admission is *void ab initio* and the students shall not be eligible for the annual examination. Therefore, I am of the opinion that, no interference is called for in this writ petition.

10. However, taking into consideration that 29 students have been admitted to the petitioner-Institution for the academic year 2024-25 and the examination process has already been undertaken, I am of the view that, the respondents shall not interfere with the completion of the entire examination process for the existing academic year 2024-25.

11. With these observations, I find no infirmity in the impugned order at Annexure-A and B passed by the respondent-authorities and the writ petition is liable to be ***dismissed***. However, the admissions made for the academic year 2024-25 shall stand protected, notwithstanding the provisions of Rule



11(4), as the examinations are already in process and also protect the interest of the students.

In view of disposal of main petition, pending applications if any, stand ***dismissed***.

**SD/-
(E.S.INDIRESH)
JUDGE**

SB
List No.: 1 Sl No.: 21