



CNR: KAHC010482902026

NC: 2026:KHC:48521-DB
WA No. 1758 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO.1758 OF 2026 (EDN-RES)

BETWEEN:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF PRIMARY AND
SECONDARY EDUCATION
M.S. BUILDING,
DR. AMBEDKAR VEDHI,
BENGALORE - 560 001.
2. THE DIRECTOR,
DEPARTMENT OF PRE-UNIVERSITY EDUCATION,
18TH CROSS ROAD, SAMPIGE ROAD,
MALLESHWARAM,
BENGALURU-560012.
3. THE JOINT DIRECTOR,
DEPARTMENT OF PRE-UNIVERSITY EDUCATION,
18TH CROSS ROAD, SAMPIGE ROAD,
MALLESHWARAM,
BENGALURU-560012.
4. THE DEPUTY DIRECTOR OF
PRE-UNIVERSITY EDUCATION,
TUMKUR DISTRICT, TUMKUR.

...APPELLANTS

(BY SRI. ADITYA VIKRAM BHAT, AGA)



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AND:

THE VIJAYA EDUCATION SOCIETY (R)
GOKULA ROAD, 2ND CROSS,
S.S. PURAM, TUMAKURU-572 102.
REPRESENTED BY ITS SECRETARY,
SRI K.M. PANISH KUMAR
S/O K.M. MAHADEVAPPA,
AGED ABOUT 46 YEARS.

...RESPONDENT

(BY SRI. SIDDARAMAIAH V.B., ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THE ABOVE WRIT APPEAL; SET ASIDE THE INTERIM ORDERS DATED 02.04.2026 AND THE CONSEQUENTIAL ORDER DATED 21.04.2026 PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NO.10527/2026 (EDN-RES).

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. For the reasons stated in the affidavit accompanying the application, I.A No.3/2026, is allowed. The delay of 102 days in filing the appeal is condoned.



2. The State has filed the present appeal impugning the interim order dated 02.04.2026 and the consequential order dated 21.04.2026 passed by the learned Single Judge of this Court in W.P. No.10527/2026 (EDN-RES). The respondent [**writ petitioner**] had filed the said writ petition, *inter alia*, impugning the communications dated 20.06.2025, 16.07.2025 and 23.03.2026, whereby the writ petitioner's applications for introduction of additional subjects (Hindi, PCMCs in Science, EBAS and EBACs in Commerce) for the academic year 2025-2026 were rejected.

3. The writ petitioner is a society registered under the Karnataka Societies Registration Act, 1960. It runs a Pre-University College pursuant to the approval granted by the Government of Karnataka on 25.05.2012 for the PCMB combination. The writ petitioner states that the institution was initially operated from a leased building measuring 6,000 square feet, which was equipped with all necessary infrastructure and sanitation facilities.

4. On 28.01.2013, the Director of Pre-University Education had issued an Official Memorandum permitting the writ petitioner to



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commence the Pre-University College in the said building. The writ petitioner states that, based on its performance, additional sections/departments were sanctioned by memoranda dated 28.05.2014 and 09.06.2017.

5. The writ petitioner sought permission to introduce additional subjects (Hindi, PCMCs in Science, EBAS and EBACs in Commerce) for the 2024-2025 academic year. The concerned authority duly recommended the proposal on 17.05.2024 after inspecting the premises. Despite this recommendation, the Deputy Director of Collegiate Education, by letter dated 08.07.2024, rejected the proposal, with liberty for the writ petitioner to apply afresh for the subsequent academic year.

6. It is stated that the writ petitioner strengthened the infrastructure by leasing the adjacent building measuring 798.222576 square meters (8592 square feet). Thereafter, it submitted a fresh application on 15.05.2025 to introduce additional subjects for the academic year 2025-2026.



7. The writ petitioner states that a spot inspection was conducted and the introduction of additional subjects was recommended. Despite the recommendation, the writ petitioner's application was rejected on 20.06.2025.

8. A plain reading of the said rejection letter indicates that the rejection was premised on the ground that the writ petitioner did not have the necessary "basic facilities" and the "required site" as per the rules. The writ petitioner renewed its proposal, which was once again rejected by a communication dated 16.07.2025 on the ground that permission could be granted only if the necessary "basic facilities" were provided.

9. Further, by a subsequent communication dated 23.03.2026, the writ petitioner's proposal was again rejected due to lack of necessary infrastructure.

10. It is pertinent to note that, the writ petitioner's request for the prior academic year was rejected by a letter dated 08.07.2024. However, the said communication indicates that it was noticed that the building was partially completed and the toilets were under



construction. Therefore, the writ petitioner was advised to seek approval for the subsequent academic year. It is material to note that no objection was raised either with regard to the “basic facilities” or on the ground that the site did not qualify the criteria set out in the applicable Rules.

11. The learned Additional Government Advocate for the State submits that the permission cannot be granted, as the writ petitioner does not have the necessary extent of land. He referred to the Karnataka Educational Institutions (Classification, Regulation and Prescription of Curricula etc.,) (Amendment) Rules, 2018 whereby Rule 5 of the Karnataka Educational Institutions (Classification, Regulation and Prescription of Curricula etc.,) Rules, 1995 was amended to prescribe a minimum requirement with regard to the extent of land. He pointed out that in terms of the said notification, a minimum area of 1,000 square meters is required to establish and maintain an educational institution imparting Pre-primary, Primary, Secondary and Higher Secondary education.



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12. However, we note that the second proviso to the said Rule expressly provides that the requirement relating to the extent of land would not be applicable to an existing educational institution, which commenced with due registration during the academic year 2017-2018, except to the extent of land prescribed under the Right of Children to Free and Compulsory Education Act, 2009.

13. We do not find any objection to the effect that the infrastructure facilities available with the writ petitioner do not comply with the requirements of the Right of Children to Free and Compulsory Education Act, 2009.

14. The writ petitioner has also produced photographs to show the facilities available at the institution.

15. Thus, the writ petitioner has presented a strong *prima facie* case in its favour warranting interim relief. In view of this, the present appeal is rejected.

16. However, considering that the matter affects the future of the students, there should be no uncertainty in such matters.



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Accordingly, we request the learned Single Judge to consider and dispose of the writ petition expeditiously.

17. We further clarify that all rights and contentions of the parties are reserved.

18. Pending interlocutory applications also stand disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**