HC-KAR

NC: 2026:KHC:16292
WP NO.26047 OF 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO.26047 OF 2024 (EDN-RES)

BETWEEN:

SRI GURU BASAVESHWARA EDUCATION SOCIETY (R)
(REGD. UNDER THE KARNATAKA SOCIEITES REGISTRATION, ACT)
VIJAYA INTERNATIONAL PUBLIC SCHOOL,
HAMPI NAGAR, 2ND STAGE,
VIJAYANAGARA,
BENGALURU - 560 040.
REP. BY ITS SECRETARY
MRS. USHA JAYARAJ.

PETITIONER

(BY SRI. SATEESH N. KOTTALAGI, ADVOCATE FOR
SRI. CHANDAN S. MALAPUR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY THE PRINCIPAL SECRETARY,
SCHOOL EDUCATION AND LITERACY DEPARTMENT,
M.S. BUILDING,
DR. AMBEDKAR VEEDHI,
BENGALURU - 560 001.

2. THE DIRECTOR (PRIMARY EDUCATION)
SCHOOL EDUCATION AND LITERACY DEPARTMENT,
NRUPATHUNGA ROAD,
BENGALURU - 560 001.

3. THE DEPUTY DIRECTOR OF
PUBLIC INSTRUCTIONS
SCHOOL EDUCATION AND LITERACY DEPARTMENT,
NORTH DDPI OFFICE, KEMPEGOWDA ROAD,

Digitally signed by CHAYA S A
Location: HIGH COURT OF KARNATAKA

KALASIPALYA,
BENGALURU - 560 002.

4. THE BLOCK EDUCATION OFFICER
SCHOOL EDUCATION AND LITERACY DEPARTMENT,
TULASIKOTE SOUTH ZONE-2,
BENGALURU.

…RESPONDENTS

(BY SMT. B. SUKANYA BALIGA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET-ASIDE THE ORDER DATED 30TH JULY, 2024 PASSED IN APPEAL NO.8/2022-23 BY THE RESPONDENT NO.2-DIRECTOR (PRIMARY EDUCATION) INSOFAR AS CANCELLING/ WITHDRAWING OF THE REGISTRATION/AFFILIATION OF THE INSTITUTION RUN BY THE PETITIONER-TRUST VIDE ANNEXURE-Q; SET-ASIDE THE ORDER DATED 26TH OCTOBER, 2023 PASSED BY THE RESPONDENT NO.3 INSOFAR AS CANCELLING/WITHDRAWING OF THE REGISTRATION /AFFILIATION OF THE INSTITUTION RUN BY THE PETITIONER-TRUST VIDE ANNEXURE-L; DIRECT THE RESPONDENTS TO MAKE NECESSARY CHANGES BY CONSIDERING THE REPRESENTATION DATED 13TH JUNE, 2023 VIDE ANNXEXURE-J AND PERMIT THE PETITIONER TO CONTINUE THE INSTITUTION; 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 E.S. INDIRESH

ORAL ORDER

In this petition, the petitioner-Society is challenging the order dated 30th July, 2024 (Annexure-Q) passed in Appeal No.8/2022-23, wherein the respondent No.2 dismissed the

appeal filed by the petitioner in respect of challenging the order dated 26th October, 2023 (Annexure-L) passed by the respondent No.3, cancelling/withdrawing of the registration/affiliation of the institution run by the petitioner-Society; *inter alia* sought for direction to the respondents to consider the representation dated 13th June, 2023 (Annexure-J) filed by the petitioner for making necessary changes and issuing the modified order.

2. Heard Sri. Sateesh N. Kottalagi, learned counsel on behalf of Sri. Chandan S. Malapur, appearing for the petitioner and Smt. B. Sukanya Baliga, learned Additional Government Advocate appearing for respondents.

3. Having heard the learned counsel appearing for the parties, the recognition granted to the institution of the petitioner has been withdrawn by the respondent-Authorities as per order dated 26th October, 2023 (Annexure-L) passed by the respondent No.3 on the ground that the petitioner is running institution at Premises No.628 and 629, 9th 'D' Main, R.P.C. layout, Vijayanagara Bengaluru though, the recognition has been granted for running the institution at Premises No.653,

Railway Parallel Road, 14th Cross, Hampinagar, R.P.C. Layout, Bengaluru. In this regard, on careful consideration of writ papers, the same would indicate that the petitioner approached the respondent-Authorities for correcting the premises in which, the institution of the petitioner is running as Premises No.628 instead of Premises No.653 as per representation dated 13th June, 2023 (Annexure-J). It is also forthcoming from the said representation that the respondent-Authorities have already passed an order on 09th November, 2021, rectifying the mistake as to the premises in which the institution of the petitioner is running.

4. In that view of the matter, on careful consideration of the original order dated 26th October, 2023 (Annexure-L), the same would indicate that the respondent-Authorities have withdrawn the recognition given to the institution on the ground that the premises in which the institution of the petitioner is running, is not belongs to the petitioner and there is a mistake on the part of the petitioner. The said aspect has been considered by the Appellate Authority and rejected the claim of the petitioner as per order dated 30th July, 2024

(Annexure-Q) in Appeal No.08/2022-23. On perusal of the Inspection Report dated 25th November, 2014 (Annexure-H), the same would indicate that the petitioner is running the institution at Premises bearing No.628 and 629, 9th 'D' Main Road, Hampinagar, Vijayanagar, Bengaluru. However, the respondents have not considered the same insofar as the change of address of the institution of the petitioner as per the representation dated 13th June, 2023 (Annexure-J). It is also to be noted that the petitioner-Society produced the copy of Lease Deeds dated 12th September, 2025 (Annexure-F) in which the address of the premises is shown as Premises bearing No.628 and 629, 9th 'D' Main, RPC Layout, Vijayanagar, Bengaluru. In that view of the matter, I am of the view that, both the respondents 2 and 3 have not considered the fact that, already the change of premises has been made by the respective authorities on 09th November, 2021. Therefore, I find force in the submission made by learned counsel appearing for the petitioner. Accordingly, I pass the following:

O R D E R

(i) Writ Petition ***allowed;***

(ii) Order dated 30th July, 2024 (Annexure-Q) passed by the respondent No.2 in Appeal No.08/2022-23 and Order dated 26th October, 2023 (Annexure-L) passed by the respondent No.3 are hereby set-aside;

(iii) The matter is remitted to the respondent No.3 to make fresh enquiry as to the fact whether the institution of the petitioner is running at the Premises bearing No.628 and 628 or 653 of the address mentioned above;

(iv) In view of allowing the writ petition, the respondent No.3 is directed to consider the representation dated 13th June, 2023 (Annexure-J) in accordance with the provisions contained under the Karnataka Education Act, 1983, within a period of three months from the date of receipt of this order.

Sd/-
(E.S.INDIRESH)
JUDGE

ARK
List No.: 1 Sl No.: 60