



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO.26604 OF 2025 (EDN-RES)

BETWEEN:

KEMPUGOWDARA CHANNEGOWDA
RASHTRIYA VIDYALAYA (R)
BESARAHALLI, MADDUR TALUK,
MANDYA DISTRICT - 571 419.
REP. BY ITS PRESIDENT
DR. B. RAJEEV,
AGED ABOUT 50 YEARS.

...PETITIONER

(BY SRI. SRIKANTH M.P., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
M.S. BUILDING,
BENGALURU - 560 001.
2. THE COMMISSIONER
SCHOOL EDUCATION AND LITERACY DEPARTMENT,
NEW PUBLIC OFFICES,
NRUPATHUNGA ROAD,
K.R. CIRCLE,
BENGALURU - 560 001.
3. THE DIRECTOR
SCHOOL EDUCATION AND LITERACY DEPARTMENT,
SECONDARY EDUCATION,
NEW PUBLIC OFFICES,
NRUPATHUNGA ROAD, K.R. CIRCLE,
BENGALURU - 560 001.
4. THE DEPUTY DIRECTOR,



SCHOOL EDUCATION AND LITERACY DEPARTMENT,
MANDYA,
MANDYA DISTRICT - 571 401.

5. THE BLOCK EDUCATION OFFICER,
SCHOOL EDUCATION AND LITERACY DEPARTMENT
MADDUR TALUK,
MANDYA DISTRICT - 571 401.

...RESPONDENTS

(BY SMT. SUKANYA BALIGA B., AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO SET-ASIDE THE ENDORSEMENT DATED 30TH NOVEMBER, 2024 ISSUED BY THE RESPONDENT NO.4 ON THE APPLICATION FOR RENEWAL OF RECOGNITION VIDE ANNEXURE-R; SET-ASIDE THE ORDER DATED 18TH JANUARY, 2025 PASSED BY THE RESPONDENT NO.4 VIDE ANNEXURE-Z; SET-ASIDE THE ORDER DATED 12TH MAY, 2025 PASSED IN APPEAL NO.2/2025 BY THE RESPONDENT NO.2 VIDE ANNEXURE-Y; SET-ASIDE THE ORDER DATED 22ND AUGUST, 2025 PASSED BY THE RESPONDENT NO.5 VIDE ANNEXURE-AG; DIRECT THE RESPONDENTS TO RENEW THE RECOGNITION OF THE INSTITUTION RUN BY THE PETITIONER MANAGEMENT; DIRECT THE RESPONDENTS NOT TO INTERFERE WITH RUNNING OF THE THAYAMMA CHANNEGOWDA HIGH SCHOOL WITH CO-EDUCATION; AND ETC.

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

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



ORAL ORDER

The petitioner herein is challenging the Endorsement dated 30th November, 2024 (Annexure-R) issued by the respondent No.4; Order dated 18th January, 2025 (Annexure-Z) passed by the respondent No.4; Order dated 12th May, 2025 (Annexure-Y) passed by the respondent No.2 in Appeal No.2/2025; and Order dated 22nd August, 2025 (Annexure-AG) passed by the respondent No.5; *inter alia* sought for direction to the respondents not to interfere with the running of Thayamma Channegowda High School having running Co-education institution.

2. Heard Sri. Srikanth M.P., learned counsel appearing for the petitioner and Smt. Sukanya Baliga B., learned Additional Government Advocate appearing for respondents.

3. Sri. Srikanth M.P., learned counsel appearing for the petitioner invited the attention of the Court to the proceedings in Original Suit No.206 of 2023 on the file of the Principal Civil Judge and JMFC., Maddur and the Notice dated 17th April, 2023 (Annexure-S) issued by the respondent No.4 to the petitioner, wherein, the respondent-Authorities have declined to continue the recognition granted in favour of the



petitioner Institution. Learned counsel appearing for the petitioner also places reliance on the judgment of this Court passed in the case of **SRI. GANAPATHI VIDYA SAMSTHE (R) vs. THE STATE OF KARNATAKA AND OTHERS** made in *Writ Petition No.21861 of 2012* decided on 04th December, 2013 and in *Writ Petition No.21699 of 2025* decided on 03rd December, 2025 and submitted that, the matter pertaining to the title of the property in question has to be resolved by the competent Civil Court and same cannot be considered as a ground to decline a recognition to continue the petitioner-Institution. Accordingly, he sought for interference of this Court.

4. Smt. Sukanya Baliga B., learned Additional Government Advocate appearing for respondents sought to justify the impugned endorsement and orders issued/passed by the respondent Authorities and contended that the petitioner is running the institution with co-education, which is contrary to the recognition granted to the petitioner, is also one of the grounds to decline the recognition to continue the petitioner-Institution. Accordingly, she sought for dismissal of the petition.



5. In the light of submission made by learned counsel appearing for the parties, the order of not continuing the recognition to the petitioner is on the ground that the petitioner is running the institution in Government Land and also the encroachment has been made therein. On perusal of Notice dated 17th April, 2023 (Annexure-S), the same would indicate that the respondent No.4 had specifically stated as to the land in question is not belonging to the petitioner.

6. In this regard, this Court in the case of **SRI. GANAPATHI VIDYA SAMSTHE (R)** (supra) in Writ Petition No.21861 of 2012 at paragraph 4, held as under:

"4. Given the above facts and circumstances, it is not in serious dispute that the institution has been in existence since the year 1950. It is only in the recent past that inquiries have been initiated as to the claim of the State Government that the land and building, on which the institutions are being run, actually belonged to the Government. This is an aspect which is capable of being addressed, without reference to the institutions that are actually run and the action on the part of respondent No.2 in having initiated directions to respondent No.1 to withdraw the recognition and permission as well as the grant-in-aid is a knee-jerk reaction in proceeding on the basis that the land and buildings actually belonged to the



*Government and have been encroached by the petitioner,
at this point of time."*

7. Following the law declared by this Court in the above case in Writ Petition No.21861 of 2012, I am of the considered opinion that the impugned endorsement and orders passed by the respondent-Authorities are required to be set-aside by looking into the Notice dated 17th April, 2023 (Annexure-S) issued by the respondent No.4, since the same is the basis, for declining the recognition granted in favour of the petitioner to continue the institution. Accordingly, I pass the following:

ORDER

- (i) Writ Petition ***allowed;***
- (ii) Endorsement dated 30th November, 2024 (Annexure-R) issued by the respondent No.4; Order dated 18th January, 2025 (Annexure-Z) passed by the respondent No.4; Order dated 12th May, 2025 (Annexure-Y) passed by the respondent No.2 in Appeal No.2/2025; and Order dated 22nd August, 2025 (Annexure-AG) passed by the respondent No.5 are hereby quashed;



- (iii) Respondents are directed to renew the recognition of the petitioner-Institution forthwith;
- (iv) It is open for the respondents to take decision as recourse to Section 39 of the Karnataka Education Act, 1983, in the event, if the petitioner is running the institution contrary to the Act.

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

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List No.: 1 Sl No.: 14