



CNR: KAHC010590162026

NC: 2026:KHC:51649
WP No. 26879 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 26879 OF 2026 (EDN-RES)

BETWEEN:

KARNATAKA SCHEDULE CASTE AND TRIBES
WELFARE ASSOCIATION (R),
KANTEERAVA NAGAR,
BENGALURU 560 096.

(IS A SOCIETY REGISTERED UNDER
KSR ACT, 1960)

REPRESENTED BY ITS SECRETARY,
SRI. M. BOMMANNA,
S/O. SRI. M B MUTTARAYAPPA,
AGED ABOUT 62 YEARS,
R/O. 857, 3RD CROSS,
AGB LAYOUT, BENGALURU 560 090.

...PETITIONER

(BY SRI. VEERAYYA HIEMATH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED OF ITS PRINCIPAL SECRETARY,
DEPARTMENT OF EDUCATION (PRIMARY
AND SECONDARY),
GOVERNMENT OF KARNATAKA,
M S BUILDING,
BENGALURU - 560 001.

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by PRAKASH N
Location: HIGH
COURT OF
KARNATAKA



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2. THE COMMISSIONER,
DEPARTMENT OF PUBLIC INSTRUCTIONS,
GOVERNMENT OF KARNATAKA,
NRUPATUNGA ROAD,
BENGALURU 560 001.
3. THE DEPUTY DIRECTOR,
DEPARTMENT OF PUBLIC INSTRUCTIONS,
NORTH ZONE, K R CIRCLE,
BENGALURU 560 001.
4. THE BLOCK EDUCATION OFFICER,
NORTH ZONE I,
BEHIND BASAVESHWARA HIGH SCHOOL,
RAJAJINAGAR, BENGALURU - 560 010.

...RESPONDENTS

(BY SMT. MALA B. BHUTE, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 23.05.2023 IN NO.ED 278 PGC 2019(PART-1) ISSUED BY THE RESPONDENT NO.1 AS PER ANNEXURE-G BY ISSUE OF WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER WRIT OR DIRECTION AS THE CASE MAY BE AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV



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ORAL ORDER

The present petition has been filed by the petitioner - Society seeking for setting aside the order at Annexure-G dated 23.05.2023 passed by respondent No.1 on the ground that the said order is violative of the second proviso to Section 67(1) of the Karnataka Education Act (for short, 'the Act'), insofar as the vesting in the State Government cannot exceed a total period of two years and in the present case, the order at Annexure-G is passed on 23.05.2023 and in light of lapse of two years, the order at Annexure-G requires to be read down to be construed as being in operation for a period of two years from 23.05.2023.

2. Learned Additional Government Advocate on the other hand would contend that in light of other litigations pending, including in W.P.No.16576/2022 as well as suit in O.S.No.1116/2020, the order at Annexure-G had provided for continuance of management by the



Government till further orders, till conclusion of the proceedings.

3. It is noticed from the submission of the petitioner that O.S.No.1116/2020 has been dismissed as per order dated 28.11.2024 for non-prosecution. It is further asserted that the said suit is filed by the rival claimants, who are the petitioners in W.P.No.16576/2022.

4. Further, learned counsel for the petitioner submits that there is no interim order as against the petitioners in W.P.No.16576/2022.

5. Though the order at Annexure-G was passed on 23.05.2023, the operation of the order of taking over by the Government was till further orders. Though such order is passed in light of certain practical difficulties including payment to be made to the staff, however it must be noticed that the mandate under law cannot be breached. Section 67(1) and the provisos thereto reads as follows:



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"67. Taking over of management of educational institutions in public interest.-

(1) Where the State Government is of opinion that the management of any educational institution should either in the public interest or in order to secure the proper management of the said educational institution be taken over, it may, after giving one month's notice to the person or body of persons incharge of the management of such educational institution to make any representation, direct by notification, that the management of the said educational institution shall with effect on and from the date specified therein vest in the State Government for a period of one year.

Provided that no private educational institution under the management of a Religious Institution, Endowment or a Wakf shall be taken over without the prior consent of such management:

Provided further that if the State Government is of the opinion that in order to secure the proper management of the educational institution, it is expedient that such management should continue to vest in the State Government after the expiry of the said period of one year, it may issue direction for the continuance of such management for a



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further period not exceeding one year as it may think fit, so however, the total period for which such management shall continue to vest in the State Government shall not, in any case, exceed two years."

6. The second proviso to Section 67(1) of the Act makes it clear that vesting of management with the Government shall not exceed two years. If that is so, the order at Annexure-G having passed on 23.05.2023 will have to be construed to have come to an end on 23.05.2023.

7. Accordingly, solely on the mandate of second proviso to Section 67(1), the order at Annexure-G is declared to have ceased operation as on the lapse of two years from 23.05.2023. Such order having been passed on the plain reading of Section 67 and in the absence of any other orders against the petitioner, the management now will have to be restored to the petitioner by operation of law and petitioner is entitled to resume administration of



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the institution. All other contentions on merits are kept open, as the matter is disposed of solely on the embargo contained in second proviso to Section 67.

Accordingly, the petition is ***disposed of***.

**SD/-
(S SUNIL DUTT YADAV)
JUDGE**

MCR
List No.: 1 Sl No.: 6