



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.38634 OF 2025 (S-RES)

BETWEEN:

DR. R RAJA
S/O LATE C. RAMAMURTHY
AGED ABOUT 52 YEARS,
PROFESSOR AND PRINCIPAL,
KEMPEGOWDA INSTITUTE OF PHYSIOTHERAPY,
KRISHNARAJENDRA ROAD,
VISHVESWARAPURAM,
BANGALORE-560 004.
RESIDING AT NO.13, 3RD FLOOR, 72ND CROSS,
5TH BLOCK, RAJAJINAGAR,
BENGALURU-560 010.

...PETITIONER

(BY SRI. J.D. KASHINATH FOR
SMT. PUSHPALATHA Y., ADVOCATES)

AND:

1. THE GENERAL SECRETARY,
RAJYA VOKKALIGARA SANGHA,
NO.148, NADAPRABHU KEMPEGOWDA BHAVANA,
K.R.ROAD, V.V.PURAM,
BANGALORE-04.
2. DR. PREM KUMAR B.N.
ASSOCIATE PROFESSOR,
KEMPEGOWDA INSTITUTE OF PHYSIOTHERAPY,
KRISHNARAJENDRA ROAD,
VISHVESWARAPURAM,
BENGALURU – 560 004.

...RESPONDENTS

(BY SRI. SUDHANVA D.S., ADV. FOR R1;
SMT. MANJULA C. FOR SRI JAIPRAKASH REDDY, ADV. FOR R2)



THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS PERTAINS TO M.A.(EAT) NO.7/2024 ON THE FILE OF THE XXII ADDL. CITY CIVIL AND SESSIONS JUDGE AT BENGALURU CITY (CCH-7) AND ISSUE WRIT IN THE CERTIORARI TO QUASH THE IMPUGNED COMMON ORDER DATED 03.11.2024 PASSED ON I.A.NO.13 AND 14 FILED IN M.A (EAT) NO.7/24 AS PER ANNEX-A PASSED BY THE XXII ADDL. CITY CIVIL AND SESSIONS JUDGE AT BENGALURU CITY (CCH-7), CONSEQUENTLY DISMISS THE I.A.NO.13 AS PER ANNEXURE-B FILED BY THE 2ND RESPONDENT AND ALSO PASS ORDER TO ALLOW I.A.NO.14 AS PER ANNEXURE-B2 FILED BY THE PETITIONER TO MEET THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks the following reliefs:

"i) Call for the records pertains to M.A.[EAT] No.7/2024 on the file of the XXII Addl. City Civil and Sessions Judge at Bengaluru City [CCH-7].

ii) Issue writ in the certiorari to quash the impugned common order dated 03.11.2024 passed on I.A.No.13 and filed in M.A. [EAT] No.7/2024 as per Annexure-A passed by the XXII Addl. City Civil and Sessions Judge at Bengaluru City [CCH-7], consequently dismiss the I.A.No.13 as per Annexure-B filed by the 2nd respondent and also pass order to allow I.A.No.14 as per Annexure-B2 filed by the petitioner to meet the interest of justice and equity.

iii) Issue any other writ or direction as this Hon'ble Court may deem fit in the facts and circumstances of the case."



2. Heard learned counsel for the petitioner and learned counsel for the respondents and perused the material on record.

3. This petition by the appellant in M.A.(EAT) No.7/2024 is directed against the impugned order passed on I.A.No.13 by the XXII Additional City Civil and Sessions Judge, Bengaluru City (CCH-7), whereby the said application filed by the respondent No.2 under Section 151 CPC seeking dismissal of the appeal filed by the petitioner-appellant was allowed by the Tribunal, which consequently dismissed the appeal filed by the petitioner.

4. A perusal of the material on record will indicate that the petitioner filed the aforesaid appeal before the Tribunal assailing the Order dated 24.08.2023 and the order dated 31.05.2024 both passed by respondent No.1 and for other reliefs. In the said appeal, both respondent Nos.1 and 2 filed their statement of objections, pursuant to which the Tribunal framed the following issues for consideration:

“1. Whether the Appellant proves that he is the senior most professor in Kempegowda Institute of Physiotherapy, Bengaluru?

2. Whether the Appellant proves that he is entitled to continue as Principal in the Institute of 1st respondent



i.e. Kempegowda Institute of Physiotherapy, Bengaluru as per 'C' and 'R' Rules and ordinances of Rajiv Gandhi University of Health sciences and also as per 'C' and 'R' Rules and bye-laws Rules of respondent no.1 Sangha and as per the Cadre and recruitment Rules of Kempegowda Institute of Physio therapy, Bengaluru?

3. Whether the Respondents prove that the appeal is not maintainable under Section 94(1) of Karnataka Education Act?

4. Whether the Respondent no.1 and 2 prove that Respondent no.2 is entitled to hold the post of Principal of Kempegowda Institute of Physio therapy, Bengaluru?

5. Whether the Appellant proves that this tribunal has jurisdiction to adjudicate the matter?

6. Whether the Appellant proves that he had been appointed as per the Rules, as Principal on permanent basis?

7. Whether the Appellant proves that, he had substantively to hold the post of Principal?

8. Whether the Appellant proves that, there is reduced in rank?

9. Whether the Appellant proves that the reduction in rank is by way of punishment to attract Section 92 and 94 of Karnataka Education Act?

10. Whether the Appellant proves that, the transfer without consent amounts to demotion?

11. Whether the Respondent no.1 proves that, the Appellant has been placed as Principal on in charge basis only?



12. Whether the Respondent no.1 proves that, Appellant had been placed as incharge basis and then removed in previous occasion also?

13. Whether the Respondent no.1 proves that, there is only reversion to original post?

14. Whether the appellant is entitled for reliefs as sought for?

15. What Order?"

5. As can be seen from the aforesaid issues framed by the Tribunal, issue No.5 relates to whether the Tribunal has jurisdiction to adjudicate upon the matter / appeal pending before it in M.A.(EAT) 7/2024. Subsequently, the respondent No.2 filed an application I.A.No.13 seeking dismissal of the appeal on account of lack / want of jurisdiction. The said application filed by the respondent No.2 having been opposed by the petitioner-appellant, the Tribunal proceeded to pass the impugned order allowing I.A.No.13 and consequently, dismissing the appeal filed by the petitioner-appellant, who is before this Court by way of the present petition.

6. A perusal of the material on record will indicate that in the said appeal both petitioner-appellant and respondents have adduced oral and documentary evidence and the matter was set



down for cross-examination of the respondents, at which stage the respondents filed the instant application I.A.No.13, which was allowed by the Tribunal culminating in the impugned order. It is also pertinent to note that as stated supra, among other issues, issue No.5 relates to jurisdiction of the Tribunal to entertain and adjudicate upon the appeal filed by the petitioner. Under these circumstances, though several contentions have been urged by both sides in support of their respective claims on all issues including the issue regarding jurisdiction of the Tribunal, without expressing any opinion on the merits / demerits of the rival contentions and leaving / keeping the same open to be decided by the Tribunal along with the main appeal and in accordance with law, I deem it just and appropriate to set aside the impugned order and dispose of I.A.No.13 by directing the Tribunal to dispose of the main appeal by recording findings on all issues including issue No.5 on jurisdiction as well as other issues on merits, within a stipulated time frame.

7. In the result, I pass the following:

ORDER

(i) The petition is hereby ***allowed***.



(ii) The impugned order at Annexure – A dated 03.11.2024 passed by the XXII Addl. City Civil & Sessions Judge, Bengaluru City, (CCH-7), is hereby set aside.

(iii) I.A.No.13 filed by respondent No.2 is hereby disposed of directing the Tribunal to dispose of the main appeal on merits as well as on all issues including issue No.5 pertaining to jurisdiction, in accordance with law, within a period of three months from the date of receipt of a copy of this order.

(iv) Petitioner-appellant and respondents, who are duly represented by their learned counsel undertake to appear before the Educational Appellate Tribunal (EAT) on **27.04.2026.**

(v) All rival contentions between the parties on all aspects of the matter including jurisdiction are kept open and no opinion is expressed on the merits / demerits of the rival contentions.

(vi) All parties are directed to co-operate with the Tribunal for expeditious disposal of the main appeal on merits as stated supra.



(vii) Respondent No.1 – Sangha is directed to permit the petitioner to work as Professor in **Kengal Hanumanthaiah* Institute of Physiotherapy, without prejudice to the rights and contentions of the parties and subject to the final outcome of the petition.

(viii) Respondent No.1 is directed to pay the salaries in accordance with law including allowances to the petitioner, immediately upon receipt of a copy of this order.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

SV
List No.: 1 SI No.: 49

**Corrected vide Court Order dated: 29.04.2026.*