NC: 2023:KHC:29177
WP No. 17320 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2023

BEFORE

THE HON'BLE MR JUSTICE N S SANJAY GOWDA

WRIT PETITION NO. 17320 OF 2023 (S-RES)

BETWEEN:

1. SHRI. NIRANJAN SWAMY EDUCATION TRUST (R)
SUNKADAKATTA,
BAJPE, MANGALURU,
DAKSHINA KANNADA DISTRICT-574 142,
REP. BY ITS CHAIRMAN,
SRI. DHRUV NARAYAN POOJARY,
S/O. NARAYANA N. POOJARY,
AGED ABOUT 22 YEARS,
(REG UNDER TRUST ACT)

...PETITIONER

(BY SRI. RAJASHEKAR S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU-560 001,
REP. BY ITS PRINCIPAL SECRETARY.

2. THE DEPUTY DIRECTOR OF PUBLIC INSTRUCTION
ZILLA PANCHAYAT BUILDING,
KOTTARA, ASHOKNAGARA POST,
MANGALURU, D.K. DISTRICT-575 006.

3. THE BLOCK EDUCATION OFFICER
MANGALURU SOUTH ZONE,
BOLARA, MANGALURU,
D.K. DISTRICT-570 001.

4. SMT. SHOBHA RANI
W/O. MOHANDAS SHETTY,
AGED ABOUT 60 YEARS,
R/AT SIRI, MUDMAN VILLAGE AND POST,
BELMAN, KARKALA TALUK,

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

UDUPI DISTRICT-576 111.

…RESPONDENTS

(BY SRI.B RAVINDRANATH., AGA FOR R1 TO R3)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE MEMORANDUM DTD 28.7.2023 BEARING NO.B1/546/PIMPRAPRA/01/2023-23 ISSUED BY THE R-3 AND THE MEMORANDUM DTD 31.7.2023 BEARING NO.B1/MU.SHI.NIVRUTI/BIDUGADE/01/2023-24 ISSUED BY THE R-3 VIDE ANNX-A AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. The petition has been filed challenging Annexure-A dated 28.07.2023 . The operative portion of Annexure-A reads as follows:

> "ಸದ್ರಿ ಶಿಕ್ಷಕಿಯ ಮೇಲಿನ ಆರೋಪಗಳನ್ನು ಅಮಾನತು ಮಾಡಲು ಇರುವ ಸೂಕ್ತ ಆಗಿರುವುದಿಲ್ಲ. ಮಾತ್ರವಲ್ಲದೇ ಈ ಪ್ರಕರಣ ಲೋಕಾಯುಕ್ತದಲ್ಲಿರುವುದರಿಂದ ಸದ್ರಿ ಶಿಕ್ಷಕಿಯನ್ನು ಅಮಾನತುಗೊಳಿಸಿರುವ ಕ್ರಮವನ್ನು ಸ್ಥಿರೀಕರಿಸಲು ಮೇಲಿನ ಆರೋಪಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಎಲ್ಲಾ ಅಗತ್ಯ ದಾಖಲೆಗಳು ಮೇಲಾಧಿಕಾರಿಗಳಿಗೆ ಕಳುಹಿಸಿಕೊಡಲು ಅಗತ್ಯವಿರುವುದರಿಂದ ಕೂಡಲೇ ಎಲ್ಲಾ ದಾಖಲೆಗಳನ್ನು ಸಲ್ಲಿಸಲು ಆಡಳಿತ ಮಂಡಳಿಯ ಮುಖ್ಯಸ್ಥರಿಗೆ ತಿಳಿಸಿದೆ."

2. As could be seen from Annexure-A, the petitioner-institution was only called upon to furnish documents to enable the authorities to examine the correctness or otherwise of the order of suspension.

3. Learned counsel for the petitioner submits that pursuant to this order, the petitioner has infact submitted all the relevant documents.

4. In view of this fact, this writ petition would not survive for consideration and the same is accordingly closed.

Sd/-
JUDGE

BS
List No.: 1 Sl No.: 25