

Karnataka High Court

Jai Bhavani Education Society vs The State Of Karnataka And Ors on 11 May, 2023

Bench: E.S.Indiresh

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WP No. 201382 of 2023

IN THE HIGH COURT OF KARNATAKA  
KALABURAGI BENCH

DATED THIS THE 11TH DAY OF MAY, 2023

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

WRIT PETITION NO. 201382 OF 2023 (EDN-RES)  
BETWEEN:

JAI BHAVANI EDUCATION SOCIETY  
MATOSHREE JIJABAI HIGHER  
PRIMARY SCHOOL, KIRGUNWADI,  
TQ. AURAD, DIST. BIDAR,  
REPRESENTED BY ITS PRESIDENT,  
SHARUBAI W/O RAMRAO JADHAV,  
AGED ABOUT 48 YEARS,  
R/O. HASSIKHERA THANDA,  
TQ. AURAD B, DIST. BIDAR-585326.

...PETITIONER

(BY SRI SHESHADRI JAISHANKAR, ADVOCATE)

AND:

Digitally  
signed by  
VARSHA N  
RASALKAR  
Location:  
High Court  
Of Karnataka

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY,  
DEPT. OF PRIMARY AND HIGHER EDUCATION,  
MS BUILDING, VIDHAN SOUDHA,  
BENGALURU-560001.
2. THE COMMISSIONER  
DEPT. OF PUBLIC INSTRUCTION  
NRUPATHUNGA ROAD,  
BENGALURU-560001.
3. THE DIRECTOR  
DEPT. OF PUBLIC INSTRUCTION,  
KALABURAGI-585104.
4. THE DEPUTY DIRECTOR  
DEPT. OF PUBLIC INSTRUCTION,

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BIDAR-585401.

5. THE BLOCK EDUCATION OFFICER  
AURAD, TQ. AURAD,  
DIST. BIDAR-585401.
6. KALLAPPA S/O BASAPPA SUGRE  
AGED ABOUT 55 YEARS,  
OCC: ENGLISH TEACHER,  
MATOSHRI JIJABAI HPS KIRGUNWADI,  
TQ. AURAD AND DIST. BIDAR.  
R/O. GANDHI CHOWK,  
TQ. AURAD AND DIST. BIDAR.
7. VENKATRAO S/O BHAVRAO MANE  
AGED ABOUT 54 YEARS,  
OCC: PHYSICAL TEACHER,  
MATOSHRI JIJABAI HPS KIRGUNWADI,  
TQ. AURAD AND DIST. BIDAR,  
R/O. DONGAON,  
TQ. AURAD AND DIST. BIDAR.
8. SUVARNA W/O MADHAVRAO GADGE  
AGED ABOUT 40 YEARS,  
OCC: MARATHI TEACHER,  
MATOSHRI JIJABAI HPS KIRGUNWADI,  
TQ. AURAD AND DIST. BIDAR,  
R/O. EKAMBA VILLAGE,  
TQ. AURAD AND DIST. BIDAR.
9. VEERBHADRA S/O SURYAKANTH JIRGE  
AGED ABOUT 41 YEARS,  
OCC: MATHEMATICS TEACHER,  
MATOSHRI JIJABAI HPS KIRGUNWADI,  
TQ. AURAD AND DIST. BIDAR,  
R/O BELKONI VILLAGE,  
TQ. AURAD AND DIST. BIDAR
10. PANDURANG S/O NAGNATH  
AGED ABOUT 40 YEARS,  
OCC: SCIENCE TEACHER,  
MATOSHRI JIJABAI HPS KIRGUNWADI,  
TQ. AURAD AND DIST. BIDAR,  
R/O TORNA VILLAGE,

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TQ. KAMALNAGAR AND DIST. BIDAR

11. SHIVAJI S/O DHONBIDA GAIKWAD  
AGED ABOUT 43 YEARS,  
OCC: ENGLISH TEACHER,  
MATOSHRI JIJABAI HPS KIRGUNWADI,  
TQ. AURAD AND DIST. BIDAR,  
R/O HOLSAMUDRA VILLAGE,  
TQ. KAMALNAGAR AND DIST. BIDAR

12. BHAGVANT  
S/O SURYAKANTH GHORWADE  
AGED ABOUT 41 YEARS,  
OCC: SCIENCE TEACHER,  
MATOSHRI JIJABAI HPS KIRGUNWADI,  
TQ. AURAD AND DIST. BIDAR  
R/O EKAMBA VILLAGE,  
TQ. AURAD AND DIST. BIDAR

13. GOVIND  
S/O VISHWANTH BELKONE  
AGED ABOUT 41 YEARS,  
OCC: KANNADA TEACHER,  
MATOSHRI JIJABAI HPS KIRGUNWADI,  
TQ. AURAD, AND DIST. BIDAR  
R/O KHATGAON VILLAGE,  
TQ. KAMALNAGAR AND DIST. BIDAR

...RESPONDENTS

(BY SRI. SHIVAKUMAR R. TENGLI., AGA FOR R1 TO R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED NOTICE PASSED BY THE 4TH RESPONDENT DATED 25.04.2023 VIDE NO.G2/KHA.PRA.SHA/DOORU/101-2018-19/391, 392 WHICH IS AT ANNEXURE-M AND ETC.

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

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ORDER

Sri Shivakumar R. Tengli., learned Additional Government Advocate accepts notice for respondent Nos.1 to 5.

2. In this Writ Petition, the petitioner is assailing the notification dated 25.04.2023 (Annexure-M) passed by the fourth respondent herein.

3. Learned Additional Government Advocate raises preliminary objection with regard to maintainability of the Writ Petition on the ground that petitioner has to exhaust the remedy provided under the provisions of Karnataka Education Act, 1983.

4. Having taken note of the fact that the impugned notification produced at Annexure-M is an appealable order, the Writ Petition is not maintainable. However, liberty is reserved to the petitioner to approach the competent authority for redressal of his grievance.

WP No. 201382 of 2023 Accordingly, the Writ Petition is disposed of. In view of disposal of the Writ Petition, I.A.No.1/2023 is disposed of.

Sd/-

JUDGE VNR