

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JUNE, 2019

BEFORE

THE HON'BLE MR.JUSTICE P.B. BAJANTHRI

W.P. NO.15977/2015 (S-RES)

BETWEEN:

SRI. GANGADHARA K. N.
S/O SRI. K. NAGESHA KARYABHARI
KIRUGULIGE, AGED ABOUT 43 YEARS
WORKING AS LECTURER IN COMMERCE
NAGARA PRE-UNIVERSITY COLLEGE (TT069)
NAGARA HOSANAGARA TALUK
SHIMOGA DISTRICT - 577 425
R/AT MATHIMANE POST
HOSANAGARA TALUK
SHIMOGA DISTRICT - 577 425 ... PETITIONER

(BY SRI. M. P. SRIKANTA, ADV. FOR
SRI. M. S. PARTHASARATHI, ADV.)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY TO GOVERNMENT
PRIMARY AND SECONDARY EDUCATION
M. S. BUILDING, DR. AMBEDKAR VEEDHI
BENGALURU - 560 001
2. THE JOINT SECRETARY TO GOVERNMENT
AND APPELLATE AUTHORITY
PRIMARY AND SECONDARY EDUCATION
M.S.BUILDING, DR. AMBEDKAR VEEDHI
BENGALURU - 560 001
3. THE UNDER SECRETARY TO GOVERNMENT
PRIMARY AND SECONDARY EDUCATION
M. S. BUILDING, DR.ADMBEDKAR VEEDHI
BENGALURU - 560 001

4. THE DIRECTOR
PRE-UNIVERSITY EDUCATION DEPARTMENT
18TH CORSS, MALLESWARAM
BENGALURU – 560 003
5. THE DEPUTY DIRECTOR
PRE-UNIVERSITY EDUCATION DEPARTMENT
SHIMOGA – 577 201
6. NAGARA EDUCATION SOCIETY
HOSANAGARA TALUK
SHIMOGA DISTRICT – 577 425

... RESPONDENTS

(BY SRI. GURU PRASAD, ADV. FOR
SMT. SPOORTHY HEGDE NAGARAJ, ADV. FOR R-6;
SRI. SREEDHAR N. HEGDE, HCGP FOR R-1 TO R-5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE ENDORSEMENT DATED 22.09.2014 ISSUED BY THE OFFICE OF THE R-3 ON REVISION PETITION NO.49/2014 VIDE ANNEXURE-Y.

THIS WRIT PETITION IS COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

In the In the instant petition, petitioner has sought for the following reliefs:

- a) *Quash the endorsement dated 22.9.2014 bearing No.ED 152 DGW 2014 issued by the office of the 3rd respondent on Revision petition No.49/2014 vide Annexure-Y.*

b) Quash the endorsement dated 24.3.2015 bearing No.ED 569 DGW 2014 passed by the 2nd respondent on Appeal No.164/2014 (Review Petition) vide Annexure-AA'.

2. Petitioner's grievance is relating to sent a proposal for admission to salary grants in favour of the petitioner by respondent No.3 – Management. In this regard, petitioner has filed memorandum of revision petition under Sections 131 and 133 of the Karnataka Education Act, 1983 (for short 'the Act'). State Government issued an endorsement on the petitioner's Revision Petition No.49/2014 stating that petitioner has a remedy under Section 131 of the Act. Therefore, revision petition papers have been returned vide endorsement dated 22.09.2014. Thereafter, petitioner has filed a review and it has been rejected on 24.03.2015.

3. Question for consideration in the present petition is 'whether the petitioner's revision petition

under Sections 131 and 133 of the Act is maintainable seeking for certain direction to the respondent – Management or not?’

4. No doubt, under Section 131 of the Act does not provide for entertaining revision petition by the Government. Petitioner’s relief would fall under Section 133(2) of the Act. The State Government should have entertained petitioner’s memorandum of revision petition while modifying that the petitioner’s petition under Section 133(2) of the Act and issue an appropriate order including whether petitioner is entitled for relief sought against the 3rd respondent-Management.

5. Hence, Annexures - Y and AA dated 22.09.2014 and 24.03.201 are set aside. 1st respondent – State is hereby directed to entertain the petitioner’s memorandum of Revision Petition as if it was filed under Section 133(2) of the Act. 1st respondent is hereby directed to decide petitioner’s

grievance under Section 133(2) of the Act, within a period of three months from the date of receipt of this order.

With the above observations, petitioner stands disposed off.

Sd/-
JUDGE

BS