

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JANUARY, 2023

BEFORE

THE HON'BLE MR.JUSTICE S. SUNIL DUTT YADAV

WRIT PETITION No.997/2023 (EDN-RES)

BETWEEN:

1. MANJUNATH C
S/O CHENNAPPA GOWDA
AGED ABOUT 15 YEARS
NO.03, K V LANE
COTTONPET,
BANGALORE - 560 053
SINCE MINOR REPRESENTED BY HIS
NATURAL GUARDIAN FATHER
SRI CHANNAPPA GOWDA
2. TUSHAR C
S/O LATE K C CHANDRASHAKAR
AGED ABOUT 19 YEARS
NO.17TH MAIN, 1ST CROSS,
NEAR VSS PUBLIC SCHOOL
SBM COLONY
BANASHANKARI 1ST STAGE
VTC, BENGALURU - 560 050
3. BHARATH KUMAR R
S/O RAVIKUMAR B
AGED ABOUT 18 YEARS
RESIDING AT CHIKKAKATTIGENAHALLI
CHIKKABALLAPURA - 563 128.
4. MANOHAR
AGED ABOUT 18 YEARS
S/O DEVARAJ P M
PALENAHALLI (V), CHINTAMANI
CHIKKABALLAPURA - 563 125

5. M. ADARSH
S/O MUNISHAMI V.,
AGED ABOUT 18 YEARS
KADAHALLI, AMMANALLUR
KOLAR - 563 128.
 6. CHARAN N
S/O NAGARAJ
AGED ABOUT 18 YEARS
DODDANALLALA UMMALU
BENGALURU RURAL - 562 114.
 7. DARSHAN K N
S/O NARAYANA EDDY
AGED ABOUT 18 YEARS
KONGANAHALLI, TALAGAVANA
CHINTAMANI
CHIKKABALLAPURA - 563 125
 8. VISHNUVARDHAN R C
S/O CHANDRASHEKAR
AGED ABOUT 17 YEARS
NO.95, 1ST MAIN ROAD
2ND CROSS, NEAR DODDAMMA TEMPLE
JJR NAGAR, BENGALURU - 560 018
SINCE MINOR
REPRESENTED BY HIS NATURAL GUARDIAN
FATHER R.O. CHANDRASHEKAR
- ... PETITIONERS
- (BY SRI MURALIDHAR H.M., ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF TECHNICAL EDUCATION
BOARD OF TECHNICAL EXAMINATIONS
VIKASA SOUDHA
BENGALURU- 560 001
REPRESENTED BY ITS SECRETARY
2. SRI JAYACHAMARAJENDRA
(GOVT) POLYTECHNIC (SJP COLLEGE)

SESHADRI ROAD, K.R. CIRCLE
 NEAR M S BUILDING
 BANGALORE - 560 001
 REPRESENTED BY ITS PRINCIPAL /
 NODAL OFFICER

3. ACHARYA INSTITUTES
 ACHARYA POLYTECHNIC
 NO.89/90, SOLADEVANAHALLI
 BENGALURU - 560 090
 REPRESENTED BY ITS PRINCIPAL /
 NODAL OFFICER
4. GOVERNMENT POLYTECHNIC COLLEGE
 CHINTAMANI - 563 125
 REPRESENTED BY ITS PRINCIPAL /
 NODAL OFFICER
5. MEI POLYTECHNIC
 COLLEGE CODE - 204
 RAJAJINAGAR IV BLOCK
 BENGALURU - 560 010
 REPRESENTED BY ITS PRINCIPAL /
 NODAL OFFICER
6. THE JOINT DIRRECTOR
 (ADMISSION/ EXAMINATION)
 GOVT. POLYTECHNIC
 SESHADRI ROAD, K R CIRCLE
 NEAR M S BUILDING
 BANGALORE - 560 001

... RESPONDENTS

(BY SMT. PRAMODINI KISHAN, AGA FOR R1, R2, R4 & R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT TO THE RESPONDENTS TO RECEIVE THE EXAMINATION FEE FROM THE PETITIONERS WITH LATE FEE AND CONSEQUENTLY PERMIT THEM TO APPEAR FOR THE EXAMINATIONS TO THE DIPLOMA COURSES WHICH THEY ARE PURSUING WITH THE R2 TO 5, IF THEY OTHERWISE ELIGIBLE AND ETC.

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

ORDER

Learned AGA accepts notice for respondents 1, 2, 4 and 6.

Issuance of notice to other respondents is waived as there is no order adverse to their interest is passed.

2. Petitioners are stated to be the students of respondents 2 to 5 and have filed the present petition seeking for a direction to respondents 2 to 5 to receive the examination fee from the petitioners along with late fee and consequently, permit them to appear for the examination in the diploma courses which they are pursuing with respondents 2 to 5, if otherwise they are eligible.

3. It is submitted by the learned counsel appearing for petitioners that the examination was scheduled on 17.12.2022 and the petitioners' request for acceptance of examination fee has not been acceded to by the respondent - Authority stating that the examination fee cannot be

accepted in light of the Circular at Annexure-C dated 13.10.2022 and specifically as regards to Clause (f), wherein it is stated that the examination fee along with fine, if any is required to be paid within a period of 15 days prior to the date of commencement of examination.

4. Heard the learned counsel representing respondents 1, 2, 4 and 6.

5. Petitioners have stated by way of submission made by their learned counsel that the delay in paying the examination fee is in light of the holidays from 01.09.2022. It is further submitted that in light of holidays after the conclusion of the previous semester, they were not aware of the last date and accordingly, there has been some lapse on their side. However, they undertake to pay the fine/late fee along with the examination fee and they may be provided an opportunity to write the exams.

6. Learned counsel for respondents 1, 2, 4 and 6 submits that the circular is self-explanatory and there has

been lapse on the part of the petitioners. However, it is for the Court to carve out any equitable relief taking note of the peculiar facts that the petitioners have put forward.

7. Taking note of the contentions of both sides and also noticing that the petitioners have undertaken to pay late fee along with other fees and the respondents would also look into the aspect of petitioners fulfilling other eligibility criteria for taking the examination, the writ petition is ***disposed off*** directing respondent No.6 to accept the examination fee along with late fee payable. Needless to state that the issuance of hall ticket would be subject to petitioners fulfilling other criteria of eligibility to take the examination.

8. It is clarified that this order cannot be referred to as the precedent in other matters and is passed taking note of the peculiar facts of the present case.

**Sd/-
JUDGE**

VP