

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 12TH DAY OF JULY 2005

BEFORE

THE HON'BLE MR. JUSTICE R. GURURAJAN

WRIT PETITION NO. 13652/2005 (EDN)

BETWEEN:

Sree Channabasawesware Arts
Education Society (CBAE Society)
Byraweswara CED College
Navanagar, Hubli
Dharwad District
By its President
Rayana Gowda Sanna
Gowdappa Hosur.

... PETITIONER

(By Sri. K. N. Mahabaleshwara Rao, Adv.,)

AND:

1. The State of Karnataka
Education Department (University)
Multi-storey building
Bangalore
By its Secretary.

2. The Registrar
Karnataka University
Dharwad.

... RESPONDENTS

(By Sri. B. Manohar, GA for R1
Sri. N. B. Bhat, Adv., for R2)

This Writ Petition is filed under Articles
226 and 227 of the Constitution of India with a
prayer to quash the Anx-D, dated 25.10.2004

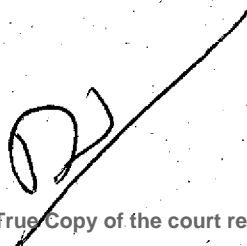
passed by the Secretary Government Education Department (Universities).

This petition coming on for preliminary hearing this day, the Court made the following:

ORDER

The matter is taken up for final disposal with the consent of the Counsel.

2. The petitioner-Sree Channabasaweswara Arts Education Society is before me challenging Annexure 'D', an order dated 25.10.2004 in the case on hand. The petitioner is a registered Society and it runs several educational institutions including the petitioner-institution. The Karnataka University issued a notification on 19.6.2003. Pursuant to the said notification, the petitioner submitted an application and deposited the necessary amount in terms of the averments made in the writ petition in para 1. The petitioner submitted an application for opening of new B.Ed., College at Navanagar, Hubli. The petitioner received a copy



of the letter addressed by Vice-Chancellor, Karnataka University, addressed to the 1st respondent stating that application submitted has been forwarded to the Government along with the recommendation of the committee of academic Council and others. Annexure 'C' is the letter. Thereafter, the Government in terms of Annexure 'D' has rejected the case of the petitioner. The petitioner aggrieved by Annexure 'D' is before me.

3. Heard the learned Counsel for the parties and perused the material placed on record.

4. A Perusal of Annexure 'D' would show that unfortunately, the Government has not chosen to give any reasons while rejecting the case of the petitioner. In these circumstances, I am satisfied that the said order requires to be set aside and the matter is to be re-considered by a detailed order.



5. In the given circumstances and on the facts of this case, I deem it proper to set aside Annexure 'D'. The Government is directed to reconsider the entire issue and give a reasoned order in accordance with law within four weeks from the date of receipt of a copy of this order. No opinion is expressed on the merits of the matter. .

6. Ordered accordingly. No costs.

Sd/-
Judge

nas.