



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2023

PRESENT

THE HON'BLE MR PRASANNA B. VARALE, CHIEF JUSTICE

AND

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

CIVIL CONTEMPT PETITION NO. 923 OF 2023

BETWEEN:

SRI ADISHAKTHI SEVA TRUST(R),
50 FEET ROAD,
OPPOSITE CHANNAIHA PARK,
HALAHALLY, MANDYA-571 401.
(REGISTERED UNDER INDIAN TRUST ACT)
BY ITS SECRETARY
MR.M.RAVI

...COMPLAINANT

(BY SRI. NAVEED AHMED.,ADVOCATE)

AND:

1. H SHIVARAMU
THE DEPUTY DIRECTOR PUBLIC
INSTRUCTIONS (DDPI)
EDUCATION DEPARTMENT,
MANDYA-571 401.
2. THE STATE OF KARNATAKA,
EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU-560 001.
BY ITS SECRETARY.

...ACCUSED

(BY SRI.S S MAHENDRA., AGA FOR PRO-FORMA ACCUSED)





THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, READ WITH ARTICLE 215 OF THE CONSTITUTION OF INDIA, PRAYING TO A) TAKE COGNIZANCE OF CONTEMPT COMMITTED BY THE ACCUSED WITH REFERENCE TO THE ORDERS PASSED IN W.P.NO.18329/2023 DATED 21.08.2023 PRODUCED HEREIN AT ANNEXURE-A AND TO PROSECUTE AND PUNISH THE ACCUSED.

THIS CCC COMING ON FOR PRELIMINARY HEARING, THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:

ORDER

Heard the learned counsel appearing for the Complainant at length.

1. The Petitioner/Complainant is before this Court with a grievance that the Accused/Respondents have committed an act of willful disobedience of the order dated 21.08.2023 made by the learned Single Judge in W.P.No.18329/2023, a copy whereof avails at Annexure-A. The said order clearly indicates that while issuing the notice to the Respondents, time was granted to them to file their Statement of Objections in the meantime and they were directed not to precipitate the matter till next



date of hearing. The Petition copy is at Annexure-B to the present Contempt Petition.

2. A perusal of the copy of the Petition clearly indicates that being aggrieved by the order passed by Education Department Authorities whereby the request for upgradation of the school was refused on the ground that the Petitioner failed to submit necessary documents to show there is order for the conversion of the land for educational purpose. On a specific query made to the learned counsel appearing for the Complainant, he submits that inspite of the interim order passed by the learned Single judge, the Respondent – Authority passed Rejection Order dated 05.09.2023 subsequently as per Annexure-D rejecting the request of Petitioner/Complainant to upgrade the School and as such it amounts to willful disobedience of the subject order.

3. Added to the above, the Rejection Order clearly indicates that this very order was passed on an online application made by the Petitioner/Complainant. On a



specific query made, he admits that this online Application bearing No.231540 was submitted to the Authority after filing of the W.P.No.18329/2023. This Order indicates that the refusal for upgradation was made not only on account of absence of conversion order but due to other major deficiencies. The same reads as under:

"...There are school rooms but there are no rooms of required area, no compound, no laboratory, no library, no playground and there is no record of conversion of the land for educational purpose given by the concerned District Collector, FC regarding Fire Safety and Compliance Certificate document is not submitted from concerned authority."

4. Thus, at the cost of repetition, we would like to mention that one of the grounds for rejection is non-submission of the order permitting conversion of the land; however, this is not the sole ground for upgrading the School. The other grounds which are mentioned above, in our opinion, show that the school does not have any basic facilities such as library, laboratory & playground. Above all this, the basic prerequisite i.e., the Fire Clearance Certificate issued by the competent authority is



also not submitted. Admittedly, such non-submission of Fire Clearance Certificate is something which is very hazardous to students prosecuting their education in a school. In such a situation, it can safely be said that the authorities were justified in recording the reasons/deficiencies.

In view of the above, we are of the opinion that there is no willful disobedience of the order of the learned Single Judge. If the Petitioner/Complainant feels aggrieved by this Rejection Order, he may avail appropriate remedies by challenging the same before the competent forum. No Complaint of Contempt can be entertained if it is made on erroneous assumptions, presumptions and impressions of the parties. Accordingly, it is dismissed.

We further make it clear that the observations made hereinabove shall not come in the way of the Petitioner/Complainant availing appropriate remedy to challenge the Rejection Order, the authority before whom



such order is challenged, to consider its proceeding on its own merits, not being influenced by our observations.

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE

Bsv
List No.: 1 Sl No.: 9