

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF DECEMBER 2015

BEFORE

THE HON'BLE MR. JUSTICE ASHOK B. HINCHIGERI

W.P.NO.56838 OF 2015 [S-RES]

BETWEEN

MRS.STELLA GEORGE
W/O LATE ANTHONY GEORGE
AGED ABOUT 56 YEARS
LECTURER IN PHYSICS
B.E.L. COMPOSITE PRE-UNIVERSITY COLLEGE
JALAHALLY, BENGALURU – 560 013. ... PETITIONER

(BY:SRI RAMACHANDRAN.R, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY TO GOVERNMENT
DEPARTMENT OF PRIMARY AND
SECONDARY EDUCATION, M.S.BUILDING
DR.AMBEDKAR VEEDHI, BENGALURU 560 001.
2. THE DIRECTOR
PRE-UNIVERSITY EDUCATION DEPARTMENT
18TH CROSS MALLESHWARAM, BENGALURU 560 003.
3. THE DEPUTY DIRECTOR
PRE-UNIVERSITY EDUCATION DEPARTMENT
BENGALURU NORTH DISTRICT
18TH CROSS MALLESHWARAM, BENGALURU 560003.
4. B.E.L. JUNIOR COLLEGE &
SCHOOL MANAGING COMMITTEE
JALAHLLY P.O. BENGALURU 560013
REP. BY SECRETARY.
5. SMT.PRATHIMA VENKATESH
W/O VENKATESH
AGED ABOUT 52 YEARS, LECTURER IN SOCIOLOGY
B.E.L. COMPOSITE PRE-UNIVERSITY COLLEGE
JALAHALLY, BENGALURU 560 013. ... RESPONDENTS

(BY:SMT.PRATHIMA HONNAPURA, HCGP FOR R1 TO R3;
R4 & R5 – notice dispensed with)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R4 TO STOP THE UNILATERAL AND ARBITRARY PROCESS OF PROMOTION UNDERTAKEN BY THE R4 WITHOUT CONSIDERING THE NAME OF THE PETITIONER WHO IS OTHERWISE ENTITLED UNDER LAW AND ETC.

THIS W.P. COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Smt.Prathima Honnapura, the learned Government Pleader takes notice for the respondent Nos.1 to 3. The issuance of notice to the respondent No.4 is dispensed with.

2. The petitioner has made the following prayers:-

"a) Issue writ of certiorari or any other direction directing R4 to stop the unilateral and arbitrary process of promotion under taken by the respondent No.4 without considering the name of the petitioner who is otherwise entitled under law:

b) To direct the respondent No.4 to consider the name of the petitioner to the post of the principal in the respondent No.4 college in accordance with law.

c) To direct the respondent No.1 to 3 initiate action against the respondent No.4 if the process of promotion to the principal is already through in the latter college contrary to law;

d) Pass any other/direction as this Hon'ble Court deems in this case including the cost on the respondent No.4 in the interest of justice and equity."

2. I am afraid none of these prayers are grantable in the proceedings under Article 226 of the Constitution of India.

3. Keeping all the contentions open and reserving the liberty to the petitioner to avail of the remedy of filing the petition for directions under Section 133(2) of the Karnataka Education Act, 1983, I dispose of this petition.

4. If the petitioner files one such petition within seven days from today, the concerned Authority shall dispose it of as expeditiously as possible and in any case within six weeks from the date of its filing. It is also open to the petitioner to seek appropriate interim orders in the anticipated petition for direction. If the petitioner files I.A. for stay, etc. in the anticipated petition, the same shall be disposed of within ten days of its filing.

5. No order as to costs.

**Sd/-
JUDGE**

VGR