

IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH

DATED THIS THE 11th DAY OF FEBRUARY 2016

BEFORE

THE HON'BLE MR.JUSTICE B.S.PATIL

WRIT PETITION No.110248 of 2015 [S-RES]

BETWEEN:

DR. MADAPPA
S/O PARAPPA TANAPPAGOL
AGE:56 YEARS
OCC:ASSOCIATE PROFESSOR
STC ARTS AND COMMERCE COLLEGE,
BANAHAATTI, AT:BANAHAATTI,
TQ:JAMKHANDI, DIST:BAGALKOT

... PETITIONER

(By Sri. SHIVARAJ P MUDHOL ADV.)

AND:

1. THE STATE OF KARNATAKA
REP BY ITS SECRETARY
DEPARTMENT OF EDUCATION
(HIGHER EDUCATION)
M.S.BUILDING, BENGALURU
2. THE JOINT DIRECTOR COLLEGIATE EDUCATION
REGIONAL OFFICE, DHARWAD
DIST:DHARWAD
3. THE JANATA SHIKSHAN SANGHA,
BANAHAATTI
AT:BANAHAATTI, TQ:JAMKHANDI
DIST:BAGALKOT
REP BY ITS CHAIRMAN
4. PRINCIPAL,

: 2 :

STC ARTS AND COMMERCE COLLEGE BANAHATTI,
TQ:JAMKHANDI
DIST:BAGALKOT

... RESPONDENTS

(By Sri.SHIVAPRABHU S.HIREMATH AGA FOR R1 & R2;
R3 & R4—SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &
227 OF THE CONSTITUTION OF INDIA, PRAYING TO:

- A. DIRECT THE RESPONDENTS NO.1 TO 4 TO GRANT
THE ANNUAL INCREMENT TO THE PETITIONER
AND TO RELEASE MONETARY BENEFITS
FORTHWITH BY CONSIDERING THE
REPRESENTATIONS DATED 20.03.2015 AND
07.05.2015, VIDE ANNEXURES-D AND D1.
- B. QUASH THE IMPUGNED RESOLUTION DATED:
24.12.2014 IN RESOLUTION NO.21 PASSED BY THE
3rd RESPONDENT VIDD ANNEXURE-B.

This Writ Petition coming on for *Hearing on IA*, this day
the Court made the following:-

ORDER

Petitioner is working as an Associate Professor
in *S.T.C. Arts and Commerce College, Banahatti*, run
by respondent No.3 / Janata Shikshan Sangh,
Banahatti. On the allegation that petitioner had
protested against the appointment of an in-charge
Principal for the College, a Resolution was passed on
14th March 2015 by the Janata Shikshan Sangha,
Banahatti, to issue him notice to show cause why

: 3 :

action should not be taken. It was also decided to stop his time-bound annual increment. Aggrieved by this action of respondent No.3 Institution, petitioner has moved the competent authority, namely respondent No.2 / Joint Director, Collegiate Education, Regional Office, Dharwad.

2. During the course of arguments, learned counsel for petitioner files a memo along with a document, which is a communication dated 21st July 2015 addressed by the Joint Director to the Chairman / Secretary of the Janata Shikshana Sangh, Banahatti, calling upon the Society to furnish reasons why petitioner's annual increment had been withheld and also to make available documents with regard to any allegations made against the petitioner.

3. However, the relief sought in the present Writ Petition is for a direction to respondent Nos.1 to 4 to grant annual increments to the petitioner and to quash the Resolution-Annexure 'B', passed on 14th March 2015 by the Society.

: 4 :

4. It has to be noticed here that unless the Resolution is set aside, there can be no positive directions to the respondents to release the increments. Resolution passed by the Society, which is a private institution, cannot be set aside in exercise of writ jurisdiction. However, as the petitioner has moved respondent No.2 and respondent No.2 has already issued notice to the Society to give explanation and furnish documents regarding the stoppage of increments of the petitioner, petitioner is at liberty to pursue the matter before the Joint Director. The Joint Director shall examine the matter as expeditiously as possible and take appropriate decision in the case, within a period of two months from the date of receipt of a copy of this order.

With the above observations, Writ Petition is ***disposed of.***

**Sd/-
JUDGE**

RK/-