



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**DATED THIS THE 21<sup>ST</sup> DAY OF MAY, 2024**  
**BEFORE**  
**THE HON'BLE MR JUSTICE M.G.S. KAMAL**  
**WRIT PETITION NO. 13498 OF 2024 (EDN-RES)**

**BETWEEN:**

CREATIVE EDUCATION TRUST (R)  
CREATIVE HIGHER PRIMARY SCHOOL,  
NO. 1747, 1<sup>ST</sup> STAGE,  
RAJIVENAGAR, MYSURU - 570 019.  
BY ITS SECRETARY,  
MRS. SABEEHA FARKHUNFA,  
W/O MR. SYED UMER,  
AGED 57 YEARS.

...PETITIONER

(BY SRI. VICTOR MANOHARAN S., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
BY ITS SECRETARY,  
SCHOOL EDUCATION AND LITERACY DEPARTMENT,  
M.S BUILDING, BENGALURU - 560 001.
2. THE COMMISSIONER FOR PUBLIC INSTRUCTION,  
IN KARNATAKA, NEW PUBLIC OFFICES,  
NRUPATUNGA ROAD, BENGALURU - 560 001.
3. THE DIRECTOR OF PUBLIC INSTRUCTION,  
SCHOOL EDUCATION DEPARTMENT,  
MYSURU DISTRICT, MYSURU - 570 002.
4. THE BLOCK EDUCATION OFFICER,  
SCHOOL EDUCATION DEPARTMENT,  
NORTH ZONE, MYSURU DISTRICT,  
MYSURU-570002.

...RESPONDENTS

(BY SRI. S. SHIVA REDDY ., AGA)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED MEMO DATED 14.5.24 ISSUED BY THE R3, PRODUCED AT ANNEXURE-M AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

This petition is filed by the petitioner aggrieved by the order dated 14.05.2024 produced at Annexure-M passed by respondent No.3 in purported exercise of the powers conferred under Section 39 of the Karnataka Education Act, 1983 (hereinafter referred as 'the Act') by which the recognition granted to the petitioner-Education Institution under the Act is sought to be withdrawn on the premise of petitioner not providing basic amenities as required under the Act.

2. Learned counsel for the petitioner taking through the contents of the petition submits that a show cause notice dated 30.01.2024 had been issued as per annexure-K and that the petitioner herein had caused issue of a detail reply on 14.02.2024 to the said show



cause notice through its counsel setting forth the reasons and the explanations as sought for under show cause notice.

3. Learned counsel for the petitioner further draws attention of this Court to paragraph No.4 of the annexure-M wherein respondent No.3 has refused to consider the cause/reasons assigned by the petitioner merely on the ground that the said reply was caused to be given by the petitioner through its advocate and as such same cannot be considered. Thus, he submits that the impugned order passed is one tainted with perversity and illegality requiring interference at the hands of this Court.

4. Learned High Court Government Pleader who appears for respondent Nos.1 to 4 and fairly submits that the reasons assigned by respondent No.3 are unsustainable. However, he submits that the order impugned is passed because of non compliance of requirement of law by the petitioner in running the institution.



5. Be that as it may. The fact remains that respondent No.3 has not considered the reasons assigned by the petitioner in its reply notice dated 14.02.2024 produced at annexure-L merely for the reason of the same having been caused issued by the petitioner through its advocate. Such a reasoning apart from being perverse are also audacious. Least to say, that there is no application of mind by respondent No.3 in passing the impugned order to the cause shown by the petitioner in its reply notice. Order is in nature of a *quasi judicial* order having far reaching consequences and the same having been passed without assigning reasons more particularly without adverting to the cause shown by the petitioner in its reply notice is *per se* illegal and unsustainable.

6. As a result the ***petition is allowed***. The impugned order at annexure-M is set aside. The matter is remitted to the respondent No.3 for fresh consideration. Further, the petitioner is also at liberty to submit additional reply with such documents, if any, within 15



days from today. The respondent No.3 shall pass appropriate orders after affording sufficient opportunity to the petitioner and after considering cause shown by the petitioner in annexure-L and in the additional reply, if any to be submitted as permitted hereinabove.

**Sd/-  
JUDGE**

PHM/List No.: 1 SI No.: 44