

(2024) 08 KAR CK 0016

In the Karnataka High Court

Case No : Writ Petition No. 201924 Of 2024 (S-RES)

Dr. Sugandha W/O Chaming Sheih & Others

APPELLANT

Vs

State Of Karnataka & Others

RESPONDENT

Date of Decision : 08-08-2024

Acts Referred:

Karnataka Education Act, 1983 — Section 130, 131

Citation : (2024) 08 KAR CK 0016

Hon'ble Judges : N S Sanjay Gowda, J

Bench : Single Bench

Advocate : P. Vilas Kumar, Arati Patil, R.S. Kadganchi, Krupa Sagar Patil,
Archana P. Tiwari, Sudhirsingh R. Vijapur, R.J. Bhusare

Final Decision : Disposed Of

Judgement

N.S. Sanjay Gowda, J

1. The petitioners are aggrieved by their orders of transfer.
2. It is not in dispute that the orders of transfer were the subject matter of another writ petition before this Court and also a writ appeal. It is not in dispute that ultimately the Division Bench came to the conclusion that the petitioners had to approach the Government under Section 130 of the Karnataka Education Act, 1983 (for short, "the Act") and this Court directed the Management not to give effect to the orders of transfer for a period of thirty days.
3. This order of the Division Bench was passed on 27.11.2023.
4. It is the case of the petitioners that pursuant to the order of the Division Bench, they have preferred an appeal under Sections 130 and 131 of the Act before the Principal Secretary and the same is yet to be disposed of. They contend that, taking advantage of the fact that the Principal Secretary has not taken up their appeal for consideration, the impugned orders of transfer have been passed.

5. The fact that the petitioners have approached the Principal Secretary within 30 days, as ordered by the Division Bench, is not in dispute. It appears that the petition has been sent by Registered Post and the Principal Secretary is yet to issue notices on the said petition to the respondents.
6. Be that as it may, the respondent/Management is now aware of the fact that the petition has been filed.
7. Having regard to the fact that the Division Bench while disposing of the appeal had directed that the orders of transfer should not be given effect to for a period of thirty days, the learned counsel appearing for the respondent—Management submits that as a matter of concession, they would not enforce the orders of transfer for a period of one month, by which time a direction may be issued to the Principal Secretary to dispose of the petitions filed by the petitioners under Sections 130 and 131 of the Act.
8. In light of this concession given by the Management, I deem it appropriate to direct the Principal Secretary, before whom the petitions have been filed by the petitioners under Sections 130 and 131 of the Act, to decide the petitions within a period of two weeks.
9. The petitioners and the Management shall voluntarily appear before the Principal Secretary on 21.08.2024 without expecting any notice.
10. The Principal Secretary shall take up the matter on 21.08.2024 and ensure that the proceedings are disposed of within a period of two weeks thereafter.
11. Until then, as stated by the learned counsel appearing for the respondent—Management, the orders of transfer shall not be given effect to.
12. The petitioners shall report for their duties forthwith in the Management College and they shall not make any attempts to cause any kind of disturbances while discharging their duties.
13. It is made clear that if the petitioners attempt to create any disturbances in the College, the Management can take appropriate action against them.
14. The writ petition is disposed of with the aforesaid observations.
15. In view of the disposal of the petition, all pending interlocutory applications, if any, stand disposed of.