

(2013) 10 KAR CK 0236

In the Karnataka High Court

Case No : Writ Petition No. 44573 of 2013 (EDN-REG-P)

Sri Vishwabharathi Education Society Sri Vishwabharathi
Group of Institutions

APPELLANT

Vs

The State of Karnataka and Others

RESPONDENT

Date of Decision : 07-10-2013

Acts Referred:

Citation : (2013) 10 KAR CK 0236

Hon'ble Judges : S. Abdul Nazeer, J

Bench : Single Bench

Advocate : Parthasarathi M.S, for the Appellant; R. Omkumar, AGA for R1-3, Sri Vinayak, for Sri Ashok Harnahalli, for R-4, M/s. P.S. Rajagopal A/s. Advs. for R5, for the Respondent

Final Decision : Partly Allowed

Judgement

S. Abdul Nazeer, J.—In this case, the petitioner has called in question the validity of the order at Annexure J dated 25.7.2013 whereby the 3rd respondent has withdrawn the recognition granted to the petitioner-Education Society for imparting education in B.Ed course. I have heard the learned counsel appearing for the parties.

2. A notice was issued by the 3rd respondent to the petitioner at Annexure G1 dated 9.7.2012 to show cause as to why the recognition should not be withdrawn. The petitioner was granted 21 days time from the date of receipt of the said notice to file a reply. The petitioner has filed its reply as per Annexure H dated 26.7.2012. This reply was received by the 3rd respondent on 27.7.2012. However, the 3rd respondent has passed the impugned order without considering the reply.

3. Learned counsel appearing for the petitioner submits that along with the reply, the petitioner has produced the title deeds in respect of the land over which the school building has been constructed. It has also produced photo clippings of the

building of the petitioner-Institution as per Annexures - P to P8, which shows that petitioner has in fact provided necessary infrastructure. In the impugned order, the 3rd respondent has observed that petitioner has not filed reply within the stipulated time of 21 days. The material on record clearly shows that the petitioner has filed its reply as per Annexure H dated 26.7.2012. I am of the view, that respondent Nos. 2 and 3 have to re-consider the matter. In the result, the petition succeeds and accordingly, it is allowed in part. The order at Annexure "J" dated 25.7.2013 is hereby quashed. Consequently, the order at Annexure "K" dated 7.8.2013 is also quashed. Petitioner is permitted to file additional reply, if it so desires, within a period of one week from the date of receipt of a copy of this order. The 3rd respondent is directed to consider the reply dated 26.7.2012 (Annexure "H") and additional reply, if any, and pass appropriate order thereon in accordance with law. Liberty is reserved to the 3rd respondent to make fresh inspection of the petitioner-Institution before passing the order as above. No costs.