

(1986) 09 KAR CK 0001
In the Karnataka High Court
Case No : Writ Petition No. 5429 of 1981

Srinivasaiah

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 23-09-1986

Acts Referred:

Constitution of India, 1950 — Article 14, 15 (3), 16

Citation : (1986) 09 KAR CK 0001

Hon'ble Judges : Doddakale Gowda, J

Bench : Single Bench

Advocate : L. Govindaraju, for the Appellant; N. Devadas, HCGP, for the Respondent

Final Decision : Dismissed

Judgement

Doddakale Gowda, J.—An educational institution, known as "Maharani"s Arts College for Women" situate in Mysore is exclusively meant for educating girls. Contention of petitioner is that he was second Senior-most Reader in the College at the relevant point of time and Note-4 of the Karnataka Education Department (Collegiate Education Department)(Recruitment) Rules 1964 (hereinafter referred to as the "Rules") which has denied opportunity of becoming of Principal of that College is ultra vires and illegal.

2. Notes 3 and 4 of the Rules read thus :

"Note 3 : The Senior most Professor or Assistant Professor as the case may be will be the Principal of the College.

Note 4 ; Only women shall be eligible for appointment as Principals of Women"s Colleges".

As the post of Principal of Maharani"s College is required to be filled up exclusively by Women, petitioner has challenged its constitutional validity, inter alia, contending that it is discriminatory, arbitrary and violative of Articles 14 and

16 of the Constitution of India.

3. In W. P. No. 6363/1980, *Susheela Singh v. State & Ors.* DD 3-10 1980 constitutional validity of this Note is left open. Article 15(3) of the Constitution provides for making a special provision for women. As has already indicated, this institution is exclusively meant for imparting education to girls, rule making authority thought it fit in its wisdom that institution should be headed or administered only by women. This provision is in conformity with Article 15(3) of the Constitution.

Learned Counsel for petitioner fairly and rightly admitted posting of Lady Doctors exclusively to the Maternity Hospitals cannot be challenged as violative of Articles 14 and 16 of the Constitution of India. So also rule in *Posts & Telegraphs* to the effect that no women can work in Telephone Exchange after 8 P. M cannot be challenged as ultra-vires. These rules and other like provisions made in favour of women have stood the test of time and I do not find any Constitutional infirmity.

4. That apart, petitioner, at present, working elsewhere and not in the present institution thereby deprived of his chance of becoming of the Principal. No merit. Writ Petition is dismissed. Rule discharged.