

(2010) 01 KAR CK 0035

In the Karnataka High Court

Case No : Writ Appeal No's. 4103 and 4515 of 2009

The Management, Punacha Pariyalthadka Aided Higher
Primary School

APPELLANT

Vs

State of Karnataka and Another

RESPONDENT

Date of Decision : 04-01-2010

Acts Referred:

Constitution of India, 1950 — Article 226
Karnataka Education Act, 1983 — Section 130

Citation : (2010) 3 KarLJ 82

Hon'ble Judges : V. Gopala Gowda, J;A.S. Bopanna, J

Bench : Division Bench

Advocate : K. Ram Bhat, for the Appellant; B. Erappa, A.G.A., for the
Respondent

Final Decision : Dismissed

Judgement

A.S. Bopanna, J.—The appellant is before this Court assailing the order dated 10-8-2009 passed by the learned Single Judge in W.P. Nos. 23161 and 23162 of 2009. The appellant was before the learned Single Judge seeking that the communication/order dated 4-5-2009 be quashed. By the said communication/order dated 4-5-2009, the appellant was directed by the authorities to comply with the earlier directions issued in W.P. Nos. 15874 of 2007 and 1178 of 2008 and thereafter resubmit the salary bill. When the matter was taken up by the learned Single Judge, though the contentions were noticed by the learned Single Judge, the learned Single Judge was of the view that the appellant has an alternative remedy u/s 130 of the Karnataka Education Act, 1983.

2. Even though, the learned Counsel for the appellant seeks to contend that the learned Single Judge was not justified and the matter ought to have considered on its merits, we are of the view that since the learned Single Judge has noticed that there is an alternative remedy the discretion vested in the Court under Article 226 of the Constitution has not been exercised. Hence, there is no need

for us to interfere with the order passed by the learned Single Judge. Accordingly, the appeal is devoid of merit. The appeal is therefore dismissed. No order as to costs.