

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT DHARWAD

DATED THIS THE 25TH DAY OF JUNE 2009

BEFORE

THE HON'BLE MR. JUSTICE ASHOK.B. HINCHIGERI

W.P. Nos. 30378 OF 2008 C/W
30651 OF 2008

IN WP NO 30378 OF 2008

BETWEEN :

SRI CHANDRA SHEKAR FAKIRAPPA MENASINAKAI
S/O FAKIRAPPA MALLAPPA MENASINAKARI
AGED ABOUT 43 YEARS

OCC: TEACHER

R/O AT P.O. CHIKKUMBI

TALUK: SAUNDATTI

... PETITIONER

(BY SRI Y LAKSHMIKANT REDDY, ADV.,)

AND

1. THE DEPUTY COMMISSIONER
AND ADMINISTRATOR
SRI RENUKA YELLAMMA DEVI DEVASTANA,
YELLAMMA GUDDA, TQ: SAUNDATTI
BY THE DEPUTY COMMISSIONER
AND ADMINISTRATOR

2. THE CHIEF EXECUTIVE OFFICER
SRI RENUKA YELLAMMA DEVI DEVASTANA
YELLAMMA GUDDA, SAUNDATTI
... RESPONDENTS

(BY SRIYUTHS R K HATTI, HCGP FOR R1 AND
VEERESH.R.BUDHIHAL FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTIFICATION BEARING NO.BVS/SIBBANDI/CR-3/2006-07 DT: 23.7.2008, WHICH CAME TO BE PUBLISHED BY THE DAILY NEWS PAPER 'VIJAYA KARNATAKA' ON 25.7.2008 VIDE ANNEXURE-G ISSUED BY THE RESPONDENTS AND ETC.,

IN WP NO 30651 OF 2008

BETWEEN

1. VEERAYYA PADAKIMATH
S/O VISHWANTHAYYA
AGE: 31YEARS
OCC: TEACHER IN
SRI RENUKA YALLAMMA DEVI
HIGH SCHOOL UGARAGOL
R/O NEAR BUS STAND
KARIKATTI
TQ: SAUNDATTI
DIST: BELGAUM
2. SRI SHEKARAYYA HIREMATH
S/O GANGAYYA
AGE: 43 YEARS
OCC: TEACHER SRI RENUKA YALLAMMA DEVI
HIGH SCHOOL UGARAGOL

R/O YADAHALLI
TQ: SANUNDATTI
DIST: BELGAUM

... PETITIONERS

(BY SRI H M DHARIGOND, ADV.,)

AND

1. THE COMMISSIONER
PUBLIC INSTRUCTIONS
NRUPATHUNGA ROAD
BANGALORE-560001
2. THE DEPUTY COMMISSIONER FOR
PUBLIC INSTRUCTIONS
DHARWAD DIVISION DHARWAD
3. THE DEPUTY DIRECTOR FOR PUBLIC INSTRUCTIONS
BELGAUM DIVISION
BELGAUM
4. THE DEPUTY COMMISSIONER AND ADMINISTRATOR
SRI RENUKA YALLAMMA DEVI DEVASTANA
YALLAMMA GUDDA, TQ: SAUNDATTI
DIST: BELGAUM

5. THE CHIEF EXECUTIVE OFFICER
SRI RENUKA YALLAMMA DEVI
DEVASTANA YALLAMMA GUDDA
TQ: SAUNDATTI, DIST: BELGAUM ... RESPONDENTS

(BY SRIYUTHS R K HATTI, HCGP FOR R1 TO R4 AND
VEERESH R BUDIHAL, ADV., FOR R5)

THIS PETITION IS FILED UNDER ARTICLES 226 &
227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE
NOTIFICATION DT. 23-7-08 PUBLISHED BY THE DAILY
NEWS PAPER "VIJAYA KARNATAKA" ON 25-7-08 VIDE
ANNEXURE-Q ISSUED BY THE RESPONDENTS AND ETC.,

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

ORDER

The challenge in both the petitions is to the
notification published in "Vijaya Karnataka" issue dated
25.7.2008 calling for applications for the post of teachers in
the school run by Sri Renuka Yellamma Devi Devasthanam,
presently being run by the Chief Executive Officer of Sri
Renuka Yellamma Devi Devasthanam. I am disinclined to
consider these petitions on merits in view of the availability
of alternative remedy. Keeping all the contentions open and
reserving liberty to the petitioners to avail of the remedy of

A.B.M.

appeal and/or petition for directions under section 130 and/or 133 of the Education Act 1983. I reject these petitions.

2. To safeguard the interest of the petitioners during the interregnum i.e., between today, the date of disposal of these petitions and the passing of the orders in the anticipated appeal/petition, this Court deems it just to grant the effect of status quo for a period of one month or until disposal of the interim application in the anticipated appeal/petition for directions, whichever is earlier.

Sd/-
JUDGE

BNS.