

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2019

BEFORE

THE HON'BLE MR.JUSTICE P.B.BAJANTHRI

WRIT PETITION No.31664/2019 (EDN – RES)

BETWEEN:

Jeetendra Kumar Rajan
s/o S R Mahato, Age 45
#D-21, Shri Ram Sadhana
Apartments, Off M S Ramaiah
Road, Gokular, Mathikere
Bengaluru – 560 054.

.. Petitioner

(By Sri Jeetendra Kumar Rajan, Party-in-person)

AND

1. The State of Karnataka
Department of Higher
Education, M S Building
Vidhana Soudha
Bengaluru-560001
(represented by its
Principal Secretary)
2. The Registrar
Visvesvaraya Technological
University (VTU), “Jnana
Sangama”, Belagavi-590 018.

3. The Principal
KBN College of Engineering
Rauza-e-Buzurg
Kalaburagi – 585104. .. Respondents

(By Smt.Pramodhini Kishan, AGA)

This WP is filed under Articles 226 and 227 of the Constitution of India, praying to show zero-tolerance against the University and the college and with zero-delay, direct the respondents No.1, 2, 3 to permit the petitioner to attend his final year classes of his engineering court (7th and 8th semester) for the year 2019-20 for non-compliance of the order dated 25.3.2019 in RP No.28/2019 and other 31 connected matters and consider the detailed prayer of the petitioner in paragraph 1 to 5 of the petitioner as the prayer being lengthy hence the above prayer in brief.

This WP coming on for preliminary hearing, this day, the Court made the following:

ORDER

In this writ petition, petitioner has sought for the following reliefs:

1. Show zero-tolerance against the University and the College and with zero-delay Direct the respondents No.1, 2 and 3 to permit the petitioner to attend his final year classes of his Engineering Court [7th and 8th semester] for the year 2019-2020 for non-compliance of the

order dated 25th March 2019 in RP No.28/2019 and other 31 connected matters.

2. Consider the detailed prayer of the petitioner in paragraph 1 to 5 of the petition, as the prayer being lengthy hence the above prayer in brief.

2. RP No.28/2019 decided on 25.3.2019 is relating to fifth and sixth semesters, whereas in the present writ petition, petitioner contended that there is non-compliance of order dated 25.3.2019 passed in RP No.28/2019 while referring seventh and eighth semesters.

3. Question of permitting the petitioner to attend his final year engineering classes (seventh and eighth semesters) for the academic year 2019-20 for non-compliance of order dated 25.3.2019 passed in RP No.28/2019 and connected matters does not arise. If there is any non-compliance of

the order passed in RP No.28/2019, he has appropriate remedy. Further, seeking any relief in respect of seventh and eighth semesters, petitioner has not apprised this Court that he had demanded before the competent authority seeking permission to attend his final year classes of his engineering courses (seventh and eighth semesters) for the academic year 2019-20. In the absence of demand, petitioner is not entitled to writ of mandamus. Supreme Court in the case of Mani Subrat Jain & others -vs- State of Haryana and others reported in (1977) 1 SCC 486 held that writ of mandamus could be entertained only if a person approaches Court has legal statutory right read with demand before the competent authority. Petitioner has not apprised this Court that he had demanded before

the competent authority for seeking writ of mandamus.

Accordingly, writ petition stands dismissed.
Consequently, I.A.No.1/2019 also stands dismissed.

Sd/-
JUDGE

Bkm