

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL 2019

BEFORE

THE HON'BLE MR. JUSTICE B. VEERAPPA

W.P.No.20247/2019 (EDN-RES)

BETWEEN:

Sri Basaveswara Education Society (R),
Halkurke,
Tiptur Taluk,
Tumkur District-572702,
By its President,
H.N.Halappa

... Petitioner

(By Sri. Jagadeeshachari, Advocate)

AND:

1. State of Karnataka,
By its Principal Secretary,
Education Department,
Vikasa Soudha,
Bangalore-560001.
2. The Commissioner of
Public Instructions,
Nrupathunga Road,
Bangalore-560001.

3. The Director (Secondary Education)
Department of Public Instructions,
Nrupathunga Road,
Bangalore-560001.
 4. The Deputy Director of
Public Instructions,
Tumkur District,
Tumkur-572201.
 5. The Block Education Officer,
Department of Public Instructions,
Tiptur Taluk,
Tiptur-572202
- ... Respondents

(By Dr.S.V.Girikumar, AGA)

This Writ Petition is filed under Articles 226 and 227 of Constitution of India praying to direct to the respondents to consider the Annexure-E dated 29.01.2019. Direct to the respondents to permit the petitioner to start the 9th and 10th Standard English medium high school in the petitioner's institution by way of writ of mandamus.

This Writ Petition coming on for **preliminary hearing** this day, the Court made the following:

ORDER

The petitioner-Society has filed the present writ petition for writ of mandamus to direct the respondents to consider the petitioner's representation dated 29.01.2019

at Annexure-E for the permission to start 9th and 10th standard English Medium High School in the petitioner's institution.

2. It is the case of the petitioner that the application filed by the petitioner to start 9th and 10th standard English Medium High School as per the order passed by this Court dated 26.08.2014, the respondents have raised some objections and petitioner has complied the said objections by proceeding details. Thereafter, the Block Education Officer-fifth respondent by a letter dated 08.02.2019 sent recommendation letter to the Deputy Director, Public Instructions, Tumkuru District, Tumkuru. In spite of the said recommendation and representation made by the petitioner dated 29.01.2019, till today the respondents have not considered the recommendation and representation nor passed any order. Therefore, the

petitioner's institution is before this Court for relief sought for.

3. I have heard the learned counsel for the parties to the lis.

4. Sri.Jagadeeshachari, learned counsel for the petitioner reiterating the grounds urged in the writ petition has contended that in spite of recommendation made by the fifth respondent and representation by the petitioner, respondent No.2 has not considered nor passed any order. Therefore, he sought to allow the writ petition.

5. Dr.S.V.Giri Kumar, learned Additional Government Advocate, on taking notice for respondent Nos.1 to 5 rightly submits that the representation dated 29.01.2019 at Annexure-E made by the petitioner and recommendation letter dated 08.02.2019 at Annexure-F by the Block Education Officer-fifth respondent will be considered and will pass order in accordance with law

within a period of two months from the date of receipt of the copy of this order.

6. In view of the above, without adverting the contentions raised by the parties, suffice to direct the respondents, in particular, the second respondent to consider the representation of the petitioner dated 29.01.2019 at Annexure-E taking into consideration the recommendation made by the Block Education Officer-fifth respondent dated 08.02.2019 at Annexure-F and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of the copy of this order.

Accordingly, writ petition is **disposed** of.

**Sd/-
JUDGE**

KPS