



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH
DATED THIS THE 30TH DAY OF APRIL, 2024
BEFORE
THE HON'BLE MR JUSTICE E.S.INDIRESH
WRIT PETITION NO.102670 OF 2024 (S-RES)

BETWEEN:

DR. MOHAMMEDRAFI M.DHALAYAT
S/O. MOHAMMED SHAFI,
AGED ABOUT 57 YEARS,
W/AS ASSOCIATE PROFESSOR IN ENGLISH,
NEHRU ARTS SCIENCE AND
COMMERCE COLLEGE, HUBBALLI,
AND R/AT. C/O.S.I.NAYAKAR BUILDING,
FIRST FLOOR, BERHIND KSRTC DEPOT,
NEAR KUMARESHWAR DHARMIKA PAATASHALE,
SIDDAMAHESHWAR NAGAR, GADAG-582101.

...PETITIONER

(BY SRI.ARAVIND UPADHYE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
EDUCATION DEPARTMENT (HIGHER EDUCATION),
DR. AMBEDKAR VEEDHI, BENGALURU-560001.
2. THE COMMISSIONER FOR COLLEGIATE AND
TECHNICAL EDUCATION, THANTRIKA BHAVAN,
PALACE ROAD, BENGALURU-560001.
3. THE DIRCTOR FOR COLLEGIATE
AND TECHNICAL EDUCATION,
THANTRIKA BHAVAN,
PALACE ROAD, BENGALURU-560001.
4. THE REGIONAL JOINT DIRECTOR
COLLEGIATE EDUCATION,
UB HILLS, MALMADDI, DHARWAD-580001.

...RESPONDENTS

(BY SRI.MADANMOHAN M.KHANNUR, ADDL. GOVT. ADVOCATE)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO, ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER QUASHING THE CIRCULAR BEARING NO NO.KASHIE/38/ITARE/ 2021-22/VA AND NI DATED 06.01.2022 AT ANNEXURE-E ISSUED BY THE 2ND RESPONDENT IN SO FAR AS THE PETITIONER IS CONCERNED AS THE SAME IS ILLEGAL, ARBITRARY AND CONTRARY TO THE JUDGMENT OF THE HON'BLE APEX COURT REFERRED TO ABOVE AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. Learned Additional Government Advocate accepts notice for the respondents.
2. The petitioner herein is assailing the Circular dated 06.01.2022 (Annexure-E) issued by respondent No.2 insofar as petitioner is concerned.
3. The petitioner has challenged this order on the ground that this Court in identical writ petitions has quashed the impugned Circular produced at Annexure-E by the writ petitioner. Perusing the order dated 11.04.2023 in Writ Petition No.7871/2022 connected with Writ Petition No.4813/2022 (Annexure-G), I am of the view that the petitioner has made out a case to quash the Circular dated



06.01.2022 (Annexure-E). The said aspect was not countered by the learned AGA. Taking into consideration the fact that the said Circular is quashed by this Court on the earlier occasion, I pass the following:

ORDER

- i) Writ petition is allowed.
- ii) Circular dated 06.01.2022 (Annexure-E) issued by respondent No.2 is quashed insofar as petitioner is concerned and respondents are directed to grant consequential benefits as claimed by the petitioner at Annexure-E, in accordance with law.

**Sd/-
JUDGE**

KGK
List No.: 1 SI No.: 13