



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 27055 OF 2024 (EDN-RES)

BETWEEN:

1. GNANA THARANGINI VIDYA SAMSTHE (MINORITY) (R)
RAJENDRA PRASAD ROAD, JAGALUR
DAVANAGERE DISTRICT – 577 528.

REPRESENTED BY ITS SECRETARY
ARAVINDAN.P.S
SON OF LATE SHRIDHARAN.P
AGED ABOUT 51 YEARS
OCC: BUSINESS
RESIDENT OF R.P.ROAD
JAGALUR TOWN
DAVANAGERE DISTRICT – 577 528.

2. NAVACHETHANA ENGLISH MEDIUM PRIMARY
AND HIGH SCHOOL
RAJENDRA PRASAD ROAD,
JAGALUR, DAVANAGERE DISTRICT - 577528

REPRESENTED BY ITS HEAD MASTER,
SMT. LATHAKUMARI C
WIFE OF SHASHIDHARAN P S
RESIDENT OF R.P.ROAD,
JAGALUR TOWN,
DAVANAGERE DISTRICT – 577 528

...PETITIONERS

(BY SRI. HIREMATHAD MAHESHIAH RUDRAYYA.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF HIGHER EDUCATION,
M.S.BUILDING, DR. AMBEDKAR VEEDHI,
BENGALURU – 560 001
REPRESENTED BY ITS SECRETARY.

Digitally
signed by
Vandana S
Location:
HIGH
COURT OF
KARNATAKA



2. COMMISSIONER FOR PUBLIC INSTRUCTIONS
NEW PUBLIC OFFICE NEAR RBI NRUPATHUNGA RD,
SAMPANGI RAMA NAGAR
AMBEDKAR VEEDHI,
BENGALURU – 560 001.
3. DEPUTY DIRECTOR
DEPARTMENT OF PUBLIC INSTRUCTIONS,
DAVANAGERE DISTRICT.
DAVANAGERE – 577 002.
4. THE BLOCK EDUCATION OFFICER
JAGALUR TALUK
DAVANAGERE DISTRICT – 577 528.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE CIRCULAR DTD. 22.03.2022 BEARING NO. C7(2) PRA.SHIAA.KHA.SHA.MA.NA.46.2021-22 ISSUED BY THE R-2 PRODUCED AT ANNEX-J CONSEQUENTLY QUASH THE NOTICE DTD. 20.09.2024, BEARING NO.E6 /KHA.SHA.MA.NAVEE/01/ 2024-25 ISSUED BY THE R-4 PRODUCED AT ANNEX-L AND FOR PASSING OF SUCH OTHER ORDERS AS THIS HONBLE COURT DEEMS FIT IN THE INTERESTS OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks for the following relief:-

“ WHEREFORE, the petitioners most humbly prays that this Hon'ble Court may be pleased to Issue a writ in the nature of Certiorari or any other appropriate, Writ, order or direction quashing the Circular dated: 22.03.2022 bearing No: C7(2) Pra.Shiaa.Kha:Sha: Ma: Na: 46:2021-22 issued by



the Respondent No:2, produced at Annexure-J consequently quash the notice dated: 20.09.2024, bearing No: E6/Kha.sha.MA. nAVEE/01/2024-25, issued by the Respondent No; produced at Annexure-L and for passing of such other Orders as this Hon'ble court deems fit in the interest of justice and equity."

2. Learned counsel for the petitioners submit that vide Notification dated 26.08.2024, Rule 11 is amended with effect from 26.08.2024. The amended Rule 11 of the Karnataka Right of Children to Free and Compulsory Education Rules, 2012, reads as under:

"GOVERNMENT OF KARNATAKA

No: EP 64 PGC 2024,

KARNATAKA GOVERNMENT SECRETARIAT
M.S. BUILDING
BENGALURU, DATED; 26.08.2024.

The draft of the following rules further to amend the Karnataka Right of Children to Free and Compulsory Education Rules, 2012, Which the Government of Karnataka proposes to make in exercise of powers conferred by sub-section (1) of section 38 of the Right of Children to Free and Compulsory Education Act 2009,(Central Act 35 of 2009), for the information of all persons likely to be affected thereby within fifteen days from the date of it's publication in the Official Gazette.

Whereas, the said Gazette was made available to the public on 11.06.2024.

And, whereas, the objections and suggestions received in this behalf have been considered by the State Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 38 of the Right of Children to Free



and Compulsory Education Act 2009, (Central Act 35 of 2009), the Government of Karnataka hereby makes the following rules, namely:-

RULES

1. Title and commencement.- (1) These rules may be called the Karnataka Right of Children to Free and Compulsory Education (Amendment) Rules 2024.

(2) They shall come into force from the date of their final publication in the official Gazette.

2. Amendment of rule 11.- In the Karnataka Right of Children to Free and Compulsory Education Rules, 2012, in rule 11, in sub-rule (6), for the words, "Validity of such recognition shall be for five years", the words and figures "Validity of such recognition shall be for ten years for the first time renewal and permanent for the next time subject to provisions of rule 12", shall be substituted.

*By order and in the name of the
Governor of Karnataka*

*(Mahantayya S. Hosamath)
Under Secretary to Government (Primary)
Department of School Education and Literacy"*

3. In view of the aforesaid amendment to Rule 11, the Circular at Annexure-J dated 22.03.2022 and the impugned notice at Annexure-L dated 20.09.2024, do not survive for consideration and the same are hereby quashed and accordingly, the writ petition stands disposed of.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

Srl.