

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF OCTOBER, 2022

BEFORE

THE HON' BLE MR. JUSTICE S.G. PANDIT

WRIT PETITION No.36193/2016 (S-REC)

BETWEEN:

THE EXECUTIVE DIRECTOR-CUM-
APPOINTING AUTHORITY
KARNATAKA RESIDENTIAL EDUCATIONAL
INSTITUTIONS SOCIETY
KARNATAKA SAHAKARA MAHAMANDALI
BUILDING, 7TH FLOOR, CUNNINGHAM ROAD
ADJACENT TO CHANDRIKA HOTEL
NEAR HIGH GROUNDS POLICE STATION
BANGALORE-560052.

...PETITIONER

(BY SRI.S.L.PATIL., ADV. FOR SRI.NAGAIHA, ADV.)

AND:

1 . THE KARNATAKA STATE SCHEDULED
CASTES/SCHEDULED TRIBES COMMISSION
REPRESENTED BY ITS COMMISSIONER,
NRUPATHUNGA ROAD, BANGALORE-560002.

2 . SMT.JYOTHI MALLAPPA SAVANALLI
PRINCIPAL [OUTSOURCE]
MORARJI DESAI RESIDENTIAL SCHOOL
ARAKERI, VIJAYAPURA TALUK & DISTRICT.

...RESPONDENTS

(BY SRI.C.JAGADISH, ADV. FOR R1; R2 – SERVED.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE
ORDER PASSED BY RESPONDENT NO.1 IN CASE NO.352/2015
DATED 15.03.2016 VIDE ANNEXURE-A.

THIS PETITION COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP **THROUGH VIDEO CONFERENCE** THIS DAY, THE
COURT MADE THE FOLLOWING:-

ORDER

The petitioner, Karnataka Residential Educational Institutions Society is before this Court under Article 226 of the Constitution of India with a prayer to quash the order dated 15.03.2016 passed by the first respondent in Case No.352/2015 [Annexure-A].

2. Heard the learned counsel Sri.S.L.Patil for learned counsel Sri.Nagaiah for the petitioner and the learned counsel Sri.C.Jagadish for respondent No.1, who appeared through video conference. Perused the writ petition papers.

3. Learned counsel for the petitioner would submit that second respondent approached the first respondent – Commission in Case No.352/2015 with a prayer to regularize her services in the petitioner – Institution as Principal. Learned counsel would submit that the first respondent – Commission has no jurisdiction or authority to decide the service dispute between the respondent Nos.1 and 2. It is submitted

that the functions of the Commission are prescribed under Section 8 of the Karnataka State Commission for Scheduled Castes and Scheduled Tribes Act, 2002 [for short the Act] and the Commission is the recommendatory authority. Learned counsel would contended that the Commission is not conferred with the power to adjudicate dispute between the parties. Learned counsel places reliance on the decision of this Court dated 25.03.2021 in W.P.No.22794/2016.

4 Per contra, learned counsel Sri.C.Jagadish for respondent No.1 submits that the Commission would carry on its functions under Section 8 of the Act and Rule 10[5] of the Karnataka State Commission for Scheduled Castes and Scheduled Tribes Rules, 2012 [for short the Rules]. It is also submitted that Commission has jurisdiction to enquire into the matter and make appropriate recommendations to the State Government.

5. The second respondent approached the first respondent – Commission with a prayer to regularize her services as Principal in the Institutions run by the petitioner – Society. The subject matter of the complaint is with regard to service condition of the second respondent. Admittedly the first respondent – Commission is not conferred with the Adjudicatory Power under the Act. The Commission could not have directed the petitioner to regularize the services of the second respondent as Principal. The first respondent – Commission could not have entertained the complaint of the second respondent with a prayer for regularization of her service. Under Section 8 of the Act, the Commission could enquire on the issues enumerated therein and could appropriately recommend corrective measures to the appropriate Authority. This Court in W.P.No.22794/2016, following the decision of Co-ordinate Bench in W.P.No.63405/2016 dated 23.11.2020, in a similar fact

situation has held that the first respondent --
Commission has no adjudicatory jurisdiction.

Following the above said decision, writ petition is
allowed.

The impugned order dated 15.03.2016 passed by
the first respondent in Case No.352/2015 [Annexure-A]
is quashed.

**Sd/-
JUDGE**

NC.