



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF OCTOBER, 2025

BEFORE

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

WRIT PETITION NO. 13018 OF 2025 (EDN-RES)

BETWEEN:

1. NANJUNDESHWARA EDUCATIONAL TRUST (REGISTERED).
HAVING ITS REGISTERED OFFICE AT NO.670,
KUMBARPET MAIN ROAD,
KOLAR-563 101
REP. BY SECRETARY SMT. MANJULA.
2. THE PRINCIPAL,
SMART DEGREE COLLEGE,
BENGALURU NORTH UNIVERSITY,
TAMAKA, KOLAR-563 101,
REP. BY PRINCIPAL SRI.NATESH.P

...PETITIONERS

(BY SRI VIKRAM HUILGOL, SENIOR COUNSEL FOR
SRI B.N.SURESH BABU, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
HIGHER EDUCATION DEPARTMENT,
(UNIVERSITY), MULTISTORIED BUILDING,
DR.B.R.AMEDKAR VEEDHI, BENGALURU-560 001.
REP. BY ITS PRINCIPAL SECRETARY.
2. THE REGISTRAR,
THE BENGALURU NORTH UNIVERSITY,
TAMAKA, KOLAR-563 101

...RESPONDENTS

(BY SRI MANJUNATH.K, HCGP FOR R-1;
SRI K.S NARESH SANTHOSH, ADVOCATE FOR R-2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTICE DATED 17/04/2025 BEARING NO. BO.U.V.V./ KU.Sa.Ka/70/2025-26 ISSUED BY THE SECOND RESPONDENT PRODUCED AND MARKED AS ANNEXURE-A.

Digitally
signed by
NANDINI R
Location:
HIGH COURT
OF
KARNATAKA



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

1. In this petition, the petitioners seek the following reliefs:

"WHEREFORE, the petitioners above named most respectfully pray that this Hon'ble Court may be pleased to:-

a). *Issue a writ of certiorari or such other writ or direction quashing the notice dated 17/04/2025 bearing no. BO.U.V.V./ KU.SA.KA/70/2025-26 issued by the second respondent produced and marked as Annexure-A.*

b). *Pass such other suitable order/s as this Hon'ble court deems fit to grant in the interest of justice and equity."*

2. Heard learned Senior counsel for the petitioners, learned HCGP for 1st respondent and learned counsel for the 2nd respondent- The Bengaluru North University and perused the material on record.

3. In addition to reiterating the various contentions urged in the memorandum of petition and referring to the material on record, learned Senior counsel for the petitioners invited my attention to the impugned notice at Annexure-A dated 17.04.2025, in order to point out that though neither the 1st petitioner- Trust, represented by its Secretary, Smt. Manjula nor the 2nd petitioner- Smart Degree College, represented by its Principal Mr. Natesh P., are arraigned



as accused persons in FIR in Crime No.48/2024 filed against the various accused persons, including accused Nos.3 and 4 who were erstwhile Trustees of 1st petitioner-Trust along with one of the students of the College and students of other colleges, the 2nd respondent-University had issued the impugned notice restraining the petitioners from taking admission to the first year B.Com and BCA courses which is contrary to the material on record and the same deserves to be quashed. It is submitted that after having come to know about the illegalities committed by its two Trustees, who were arraigned as accused Nos. 3 and 4 and the other students, the petitioners have expelled the said two Trustees as well as initiated action against the students and other persons and as such, the petitioners cannot be prevented from taking new students for admission to first year B.Com and BCA and the impugned notice deserves to be quashed on this ground also.

4. *Per contra*, learned counsel for 2nd respondent-University submits that though 1st petitioner -Trust and its Secretary or 2nd petitioner -College, represented by its Principal have not been expressly named in the FIR or chargesheet which is currently pending in CC No.1733/2025, since the alleged incident took place



at the college premises, the 2nd respondent was fully justified in issuing the impugned notice and as such, the petition is liable to be dismissed.

5. By way of reply, learned Senior counsel for the petitioners would invite the attention to the chargesheet in order to point out that no allegations have been made either against 1st petitioner- Trust or its Secretary or against 2nd petitioner- College or its Principal and the entire allegations are directed only against the two expelled/removed Trustees and one of the students of the petitioner's college and other persons and as such, merely because, the incident is said to have occurred in the college premises, the question of preventing the petitioners from admitting the students would not arise in the facts and circumstances of the instant case.

6. I have given my anxious consideration to the rival submissions and perused the material on record.

7. A perusal of the material on record will indicate that in the first instance, the FIR in Crime No.48/2024 was registered against unknown persons at the instance of the complaint given by 2nd



HC-KAR

NC: 2025:KHC:40877
WP No. 13018 of 2025

respondent -University. At that stage, the 2nd respondent addressed the impugned communication/notice at Annexure A dated 17.04.2025 calling upon the petitioners not to admit the students on the ground that final report is awaited. However, a perusal of the final report/chargesheet would clearly indicate that neither the 1st petitioner- Trust or its Secretary or the 2nd petitioner -College or its Principal have been arraigned/ included as the accused persons in the final chargesheet pending in CC No.1733/2025 which are directed only as against two expelled Trustees of 1st petitioner-Trust, who are arraigned as accused Nos. 3 and 4, one student of the 2nd petitioner- College and other students of different colleges and consequently, merely because the incident is said to have occurred in the college premises coupled with the fact that the petitioners have already initiated action and expelled its two trustees and its college students, the said FIR and chargesheet cannot be made the basis to prevent the petitioners from admitting the students to the 2nd petitioner's College hence forth as sought to be alleged in the impugned notice.



8. It is needless to state that petitioners would have to be permitted to comply all other requirement as sought for by the 2nd respondent -University pursuant to the admission of students to the 2nd petitioner- college in accordance with law and the impugned notice at Annexure-A deserves to be quashed by issuing certain directions.

9. In the result, I pass the following:

ORDER

- (i) The petition is hereby allowed.
- (ii) The impugned notice at Annexure-A is hereby quashed.
- (iii) The petitioners are permitted to admit the students to the 2nd petitioner-College, subject to satisfying all other requirements.

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