



WP No. 101248 of 2022

**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH**

**DATED THIS THE 13<sup>TH</sup> DAY OF SEPTEMBER, 2022**

**BEFORE**

**THE HON'BLE MR JUSTICE M.I.ARUN**



**WRIT PETITION NO. 101248 OF 2022 (SCST-)**

**BETWEEN:**

SRI VASAVI EDUCATION SOCIETY (R)  
NAGARESHWARA DEVASTHANA,  
MAIN BAZAR ROAD, HOSPETE,  
VIJAYANAGAR-583201,  
REP BY ITS SECRETARY

...PETITIONER

(BY SRI PRASHANT F. GOUDAR, SRI NAVEEN GUDIKOTE,  
SRI B. N. MAHESH CHANDRA AND MS. AISHWARYA N. JAIN,  
ADVOCATES)

**AND:**

1. KARNATAKA STATE COMMISSION FOR  
THE SCHEDULED CASTES AND SCHEDULED TRIBES,  
NO. 14/3, 2ND FLOOR, CFC, BUILDING,  
NRUPATHUNGA ROAD, BENGALURU-560001.
2. H. HANUMANTHA

...RESPONDENTS

(BY SRI C. JAGADISH, ADVOCATE FOR R1  
SRI MALLIKARJUN C. HUKKERI, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE  
CONSTITUTION OF INDIA, PRAYING TO 1. ISSUE A WRIT OR SUCH  
OTHER ORDER IN THE NATURE OF CERTIORARI TO QUASH THE  
PROCEEDINGS IN PENDING ADJUDICATION BEFORE THE  
RESPONDENT NO.1 WHICH IS PRODUCED AS ANNEXURE-F  
REGISTERED PURSUANT TO THE COMPLAINT OF THE RESPONDENT  
NO.1 DATED 03.05.2019 AND CONSEQUENTLY AND ETC.,



**WP No. 101248 of 2022**

THIS PETITION COMING ON FOR ORDERS THIS DAY. THE COURT DELIVERED THE FOLLOWING.

**ORDER**

Respondent No.2 was an employee of the petitioner institution and was serving as a Head Master of the school. On allegations of certain misconduct, disciplinary proceedings were initiated against him and he was demoted to the post of a teacher. Respondent No.2 belongs to a scheduled caste category. He has not challenged the disciplinary proceedings against him before the competent authority. However, he has filed a complaint before respondent No.1 – The Karnataka State Commission of Scheduled Castes and Scheduled Tribes against the action of the petitioner. Based on the complaint of respondent No.2, respondent No.1 has passed an interim order, wherein it has directed the government to withhold the grants being made to the petitioner institution. Aggrieved by the same, the instant writ petition is filed.



**WP No. 101248 of 2022**

2. Respondent No.1 is constituted under the Karnataka State Commission for the Scheduled Castes and Scheduled Tribes Act, 2002 Section 3 of the enactment deals with functions of the commission and Section 10 deals with powers of the commission. Section 8 (B) of the Act reads as under:

**"8. Functions of the Commission.-** *The functions of the commission shall be as follows,-*

*a)\*\*\*\*\**

*b) to inquire into specific complaints with respect to the deprivation of rights and safeguard of the Scheduled Castes and the Scheduled Tribes of Karnataka and to take up such matter with the appropriate authorities;"*

But the said clause does not empower the commission to direct the authorities concerned to withhold grants made in favour of an institution as in the instant case. The impugned order is in the nature of an interim order which has been passed without enquiring into whether the petitioner has been discriminated against because he belongs to a Scheduled Caste category. Even otherwise if



**WP No. 101248 of 2022**

respondent No.1 were to come to a conclusion the petitioner has been discriminated against because he belongs to the Scheduled Caste category, it can only make suggestion by taking up the matter with the appropriate authorities and cannot issue direction as issued in the instant case.

For the aforementioned reasons, the writ petition is deserves to be allowed and hence the following:

**ORDER**

*The impugned order passed in Dispute No. Service/116/2021 dated 16.09.2021 vide Annexure-G to the writ petition by respondent No.1 is hereby set aside.*

**Sd/-  
JUDGE**

SSP  
List No.: 1 Sl No.: 13