

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 05<sup>TH</sup> DAY OF MARCH, 2022

BEFORE

THE HON' BLE MR.JUSTICE R DEVDAS

**WRIT PETITION NO.2125 OF 2022 (S-RES)**

**BETWEEN:**

LAW STUDENTS ASSOCIATION  
NO.37, 1<sup>ST</sup> MAIN ROAD,  
AMARJYOTHI LAYOUT,  
SANJAY NAGAR, RMV 2<sup>ND</sup> STAGE,  
BANGALORE- 560094  
(REPRESENTED BY ITS PRESIDENT  
SRI. ANIL KALGI).

....PETITIONER

(BY SRI. VITIAL B.R., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF HIGHER EDUCATION  
2<sup>ND</sup> GATE 6<sup>TH</sup> FLOOR,  
M.S.BUILDING,  
BANGALORE-560001.
2. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DEPARTMENT OF LAW  
VIDHAN SOUDHA  
BANGALORE- 560001.
3. THE CHANCELLOR  
KARNATAKA STATE LAW UNIVERSITY  
NAVANAGAR

HUBBALLI -08  
KARNATAKA  
(REPRESENTED BY SECRETARY TO  
GOVERNOR OF KARNATAKA).

4. PROF. (Dr.). P.ISHWARA BHAT  
VICE CHANCELLOR  
KARNATAKA STATE LAW UNIVERSITY  
HUBBALLI  
KARNATAKA-08.

....RESPONDENTS

(BY SMT. M.C.NAGASHREE, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT IN THE FORM OF A WRIT OF QUO WARRANTO OR ANY OTHER APPROPRIATE WRIT BE ISSUED FOR THE IMMEDIATE AND SUBSEQUENT REMOVAL OF THE R-4 FROM THE POST OF THE VICE CHANCELLOR OF KARNATAKA STATE LAW UNIVERSITY AND ETC.,

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

### **ORDER**

#### **R. DEVDAS J., (ORAL):**

When this matter came up for preliminary hearing on the last occasion, this Court was of the *prima facie* opinion that this writ petition seeking a writ of Quo-Warranto as against the 4<sup>th</sup> respondent-

Vice Chancellor of the Karnataka State Law University, cannot be maintained in its present form and the same is required to be filed as public interest litigation. The Learned counsel for the petitioner and the learned AGA were directed to assist this Court in this regard.

2. Learned AGA submits that in many of the decisions of the Hon'ble Supreme Court, including the cases of **HARI BANSI LAL Vs. SAHODAR PRASAD MAHTO AND OTHERS, (2010) 9 SCC 655; DR DURYODHAN SAHU AND OTHERS Vs. JITENDRA KUMAR MISHRA AND OTHERS, (1998) 7 SCC 273; GIRJESH SHRIVASTAVA AND OTHERS Vs. STATE OF MADHYA PRADESH AND OTHERS, (2010) 10 SCC 707; AND STATE OF PUNJAB VS. SALIL SABHLOK AND OTHERS, (2013) 5 SCC 1**, it is held that the public interest litigations are not maintainable in service matters. However, the same is maintainable when the prayer is for issuance of a writ of Quo-warranto.

3. On going through the Memorandum of writ petition, it is clear that the petitioner is an association of law students, but it does not appear that the petitioner is a registered Association. Even if it is a registered Association, it is clear that the objectives of such an Association would be to protect the interest of the law students who are its members. No individual interest or collective interest of the law students seems to be infringed or affected by the appointment or continuation of the 4<sup>th</sup> respondent, as the Vice Chancellor of the Law University. However, if the petitioner Association insists that the prayer of the petitioner for the issuance of the Quo-warranto against the respondent is to be heard, this court is of the considered opinion that this writ petition not being filed in the nature of the public interest litigation, requires to be rejected and is accordingly rejected.

4. However, liberty is reserved to the petitioner, Association to file public interest litigation, with the same prayer seeking of Quo-warranto, if it so desires.

Ordered accordingly.

**Sd/-  
JUDGE**

PK/VS