



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 1336 OF 2025 (EDN-RES)

BETWEEN:

1. MASTER YASHWANTH K
S/O. KRISHNAPPA, AGED ABOUT 16 YEARS
R/AT KALKERI, BANNERGHATTA ROAD
BENGALURU - 560 083
REPRESENTED BY HIS NATURAL GUARDIAN
KRISHNAPPA ALIAS KRISHNA

...APPELLANT

(BY SRI STEEPHEN MATHEW, ADVOCATE FOR
SRI KARUNAKARA P., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF EDUCATION AND
SCHOOL AND LITERACY
VIDYA SOUDHA, DR. AMBEDKAR VEEDHI
BENGALURU - 560 001
2. CENTRAL BOARD OF SECONDARY EDUCATION
HAVING ADDRESS AT: SRHRIKSHA KENDRA 2,
COMMUNITY CENTRE, PREET VIHAR
NEW DELHI - 110 092
REPRESENTED BY ITS CHAIRMAN
3. THE BLOCK EDUCATION OFFICER
ANEKAL TALUK





BENGALURU RURAL DISTRICT - 560 002

4. DIRECTOR OF PRIMARY EDUCATION OFFICE
BANGALORE SOUTH DISTRICT
KALASIPALYA
BANGALORE - 560 002
5. DEPUTY DIRECTOR OF PRIMARY
SCHOOL EDUCATION
BANGALORE SOUTH DISTRICT
BANGALORE - 560 001
6. THE SAMHITHA ACADEMY
LAKSHMIPURA VILLAGE
BANNERUGHATTA ROAD
BANGALORE - 560 083

...RESPONDENTS

(BY SMT. NAMITHA MAHESH B.G., AGA FOR R-1 & 3 TO 5;
SRI SHAILENDRA M.R., ADVOCATE FOR R-2 &
SRI BADRI VISHAL, ADVOCATE FOR R-6)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE ORDER DATED 17/07/2025 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.36368/2024 AND ALLOW THE WRIT PETITION & ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal impugning an order dated 10.07.2025 passed by the learned Single Judge of this Court in W.P.No.36368/2024, *inter alia*, praying that directions be



issued to respondent No.3 to admit the petitioner in respondent No.6 - School in the 9th standard. The impugned order is a common order passed in the said writ petition as well as WP.No.14232/2023 (EDN-RES).

2. The appellant had filed the said writ petitions praying that he be admitted in the respondent No.6 - School in the 9th standard. Respondent No.6 had filed WP.No.14232/2023 calling into question the memorandum dated 04.07.2023 issued by respondent No.3 (Block Educational Officer) and further praying for a declaration that the appellant is not entitled for promotion to Class 9th grade in the respondent No.6 - School. Both the aforesaid petitions were disposed of on the ground that the appellant was aged about 16 years and therefore the Right of Children to Free and Compulsory Education Act, 2009 [**the RTE Act**] was not applicable. The controversy raised on merits was not addressed.

3. It is the appellant's case that he is ready and willing to take admission in the 9th standard as a non-RTE student and does not claim any benefits under the RTE Act.



4. It is the respondent No.2's stand that although the appellant had completed his 8th standard, he could not be promoted to the 9th standard as he had failed to clear the examinations.

5. It is common ground that the appellant could not be withheld in the 8th Standard. However, the respondent claims that as per the scheme of the Central Board of Secondary Education, to which respondent No.6 School is affiliated, the student who has not cleared the examination in 8th standard could not be promoted to the 9th standard.

6. After some arguments, the learned counsel for the appellant submits that the appellant will be satisfied if he is permitted to appear for a re-examination and subject to his clearing the re-examination, promoted to 9th standard. Respondent No.6 - School has filed in memo, which reads as under:

"The Petitioner and Respondent No. 6 submits as hereunder:

1. The Respondent No. 6 would provide an opportunity to the Appellant to take a reexamination of class VIII in those subjects he has secured grade E. The same would be conducted in the end of April 2026.

2. In the event the Appellant does not obtain any grade above grade E in the re-examination, he shall be issued a Transfer Certificate ("TC") with a remark "Completed".



3. The appellant shall withdraw all the complaints made before various authorities, and undertakes not to agitate by filing complaints on this issue hereafter.

WHEREFORE, this Hon'ble Court may kindly be pleased to take this memo on record, in the interest of justice and equity."

7. The learned counsel appearing for the appellant also states that he has obtained the necessary instructions and the appellant is agreeable to the said terms as set out in the memo and as noted above. In the event, the appellant fails to clear the re-examinations, he would accept the transfer certificate as issued by respondent No.6 and pursue his education in another school/institution.

8. In view of the above, we do not consider it necessary to examine the questions raised in the present appeal. However, we clarify that so far as the appellant's grievance / case against respondent No.6 is concerned, the same stands closed in terms of this order.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**