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**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 17<sup>TH</sup> DAY OF DECEMBER, 2024**

**BEFORE**

**THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ**

**WRIT PETITION NO. 34457 OF 2024 (EDN-RES)**

**BETWEEN:**

1. SACHIN R  
AGED ABOUT 28 YEARS  
S/O RAVINDRANATH R  
NO.47 2<sup>ND</sup> CROSS  
KEERTHINAGARA  
SHIMOGA KARNATAKA-577201.

2. PRATHISITHA NAGAR  
AGED ABOUT 26 YEARS  
S/O ANIL KUAMR G R  
NO.105 4<sup>TH</sup> CROSS, 5<sup>TH</sup> MAIN  
DR. SHIVARAM KARANT ROAD  
HANUMATH NAGAR BANGALORE  
KARNATAKA 560019

...PETITIONERS

(BY SRI. PAVANA CHANDRA SHETTY H., ADVOCATE)

**AND:**

1. THE KARNATAKA STATE LAW UNIVERSITY  
REP BY ITS VICE CHANCELLOR  
KARNATAKA STATE LAW UNIVERSITY  
NAVANAGAR, HUBLI.

2. THE REGISTRAR (EVALUATION)  
KARNATAKA STATE LAW UNIVERSITY  
NAVANGARA, HUBLI

3. BMS COLLEGE OF LAW  
REP BY ITS PRINCIPAL  
BULL TEMPLE ROAD  
BASAVANAGUDI  
BANBALORE-560019.

...RESPONDENTS





(BY SRI.GIRISH KUMAR., ADVOCATE FOR R1 & R2;  
NOTICE TO R3 D/W)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS AND/OR OTHER WRIT OR DIRECTION SETTING ASIDE / QUASHING THE IMPUGNED NOTIFICATION OF THE KARNATAKA STATE LAW UNIVERSITY ISSUED BY THE UNIVERSITY DTD. 06.12.2024 NUMBERED AS NO. KSLU/EXAM/2024-25/1673 PRODUCED IN ANNEX-A AND ETC.

THIS WRIT PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE SURAJ GOVINDARAJ

**ORAL ORDER**

1. Sri.Girish Kumar, counsel is directed to accept notice for respondents No.1 and 2.
2. Notice to respondent No.3 is dispensed with in view of the proposed order to be passed.
3. The petitioners are before this Court seeking for the following reliefs:
  - a. *Issue a writ of mandamus and/or other writ or direction setting aside/quashing the impugned notification of the Karnataka State Law University issued by the University dated 6.12.2024 numbered as No.KSLU/Exam/2024-25-1673 produced in Annexure-A.*
  - b. *To direct the university to conduct Indian Penal Code examination instead of Bharatiya Nyaya Sanhitha for repeaters.*



- c. To Direct the university to publish all the notifications/circulars or any other decisions which effect the students in their official website.*
- d. To direct university to pay the cost of this litigation to the petitioners.*
- e. Grant such other relief/reliefs as this Hon'ble Court deems fit in the facts and circumstances of the case in the interests of justice and equity.*

4. The grievance of the petitioners is that the petitioners had studied the subject 'Indian Penal Code' (IPC) but however were unsuccessful in the said examination. Subsequently, when the supplementary examination was proposed to be taken up now, the petitioners have been informed that the petitioners would have to take up examination in 'Bharatiya Nyaya Sanhita' (BNS).
5. The grievance in this respect is that the petitioners never had any classes in relation to BNS and as such, if the examination were to be conducted for the said subject, the petitioners not having been provided classes/instructions for the said subject would not be able to take up the said examination.



6. This Court has dealt with a similar matters and upheld the contention of the petitioner.
7. Sri.Girish Kumar, learned counsel for the University submits that with the repeal of the IPC and implementation of BNS, examination cannot be held in respect of repealed enactment.
8. The submission of Sri.Girish Kumar, learned counsel for the University would not hold this Court any longer. The said submission would be applicable for the students in currently or in future taking up the course in BNS and not to students who have already in the past taken up the course in IPC.
9. Insofar as students who have already attended classes for IPC and have failed in the examination conducted for IPC, it cannot be expected that those students take up the examination for BNS which has never been taught to them in the course structure.



10. This is not the first petition that is coming before this Court. It is therefore required for the KSLU to look into this aspect and not insist on the students who have failed in IPC to take up the examination in BNS since they have never been provided with instructions in relation to that subject.
11. These observations would, however, not apply to students who have not taken up IPC and would be taking up a course in BNS in future. In view of the above, I pass the following:

**ORDER**

- i) The Writ Petition is allowed.
- ii) The notification bearing No.KSLU/Exam/2024-25/1673 dated 06.12.2024 issued by Karnataka State Law University at Annexure-A is quashed in so far as students who have already taken up a course on Indian Penal Code.
- iii) The respondent-University is directed to conduct the examination for students who have



failed in and or are repeaters in the subject 'IPC' and not insist on the examination to be conducted as regards BNS for any of the students who have failed in and or are repeaters in IPC.

**SD/-  
(SURAJ GOVINDARAJ)  
JUDGE**

PRS  
List No.: 3 SI No.: 1