

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR.JUSTICE R. DEVDAS

WRIT PETITION NO.23190/2025 (EDN-RES)

C/W

WRIT PETITION NO.23985/2025 (EDN-RES)

WRIT PETITION NO. 24257 OF 2025 (EDN-RES)

IN W.P. NO. 23190/2025

BETWEEN

- 1 . PRANAVA K N
S/O NARAYANA K S,
AGED ABOUT 24 YEARS,
R/AT NO.93, 1ST MAIN ROAD,
K G NAGARA, BENGALURU – 560004
- 2 . CHANDU S,
S/O SHEKAR D
AGED ABOUT 24 YEARS,
R/AT GARADIGARAPALYA,
MADHURE HOBLI, DODDABALLAPURA TALUK,
KANASAWADI POST,
BANGLORE RURAL DISTRICT- 561203.
- 3 . SACHIN R,
S/O RAVINDRANATH R,
AGED ABOUT 28 YEARS,
R/AT H. R, NO.47, 2ND CROSS,
KEERTHINAGARA, SHIVAMOGA-577201.

- 4 . LANARD DSOUZA,
S/O LAWERENCE DSOUZA,
AGED ABOUT 23 YEARS,
R/AT NEAR PUNAR SCHOOL,
JANTRA, BELMAN POST,
KARKALA, UDUPI DISTRICT - 576111.

...PETITIONERS

(BY SRI. K.G.RAGHAVAN., SR. COUNSEL FOR
SRI. SHANKARA.J. SREEDHARA., ADVOCATE)

AND

- 1 . THE KARNATAKA STATE LAW UNIVERSITY
REPRESENTED BY ITS VICE CHANCELLOR,
KARNATAKA STATE LAW UNIVERSITY,
NAVANAGAR, HUBLI,
KARNATAKA - 580025.
- 2 . THE REGISTRAR,
KARNATAKA STATE LAW UNIVERSITY,
NAVANAGAR, HUBLI,
KARNATAKA -580025.
- 3 . THE BMS COLLEGE OF LAW,
REPRESENTED BY ITS PRINCIPAL,
BULL TEMPLE ROAD,
BASAVANGUDI - 560019

...RESPONDENTS

(BY SRI. GIRISH KUMAR., ADVOCATE FOR R1 & R2
SRI. MADHUKAR S., ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED
CIRCULAR DATED 02.07.2025 BEARING NUMBER KSLU/REG/ACAD/
ADMN-FEE/2025-26/720 AT ANNEXURE-B AND ETC.

IN W.P. NO. 23985/2025

BETWEEN

PRIYANKA N
D/O NAGENDRA N,
AGED ABOUT 24 YEARS,
R/AT NO.20, IST MAIN ROAD,
3RD CROSS, GORGUNTEPALYA,
BENGALURU-560022.

...PETITIONER

(BY SRI. PAVANA CHANDRASHETTY.H., ADVOCATE)

AND

- 1 . THE KARNATAKA STATE LAW UNIVERSITY
REPRESENTED BY ITS VICE CHANCELLOR,
KARNATAKA STATE LAW UNIVERSITY,
NAVANAGAR, HUBLI,
KARNATAKA-580025.
- 2 . THE REGISTRAR
KARNATAKA STATE LAW UNIVERSITY,
NAVANAGAR, HUBLI,
KARNATAKA-580025.
- 3 . KARNATAKA STATE BAR COUNCIL
REPRESENTED BY ITS CHAIRMAN,
OLD ELECTION COMMISSION BUILDING,
DR AMBEDKAR VEEDHI,
BENGALURU-560001

...RESPONDENTS

(BY SMT. SARITHA KULKARNI., ADVOCATE FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO DIRECTION QUASHING THE
IMPUGNED CIRCULAR DTD 02.07.25 BEARING NO. KSLU/REG/ACAD/
ADMN-FEE/2025-26/720 AT ANNEXURE-B AND INCLUDING COSTS OF
THE PETITION AND ETC.

IN W.P. NO. 24257/2025

BETWEEN

- 1 . GANGADHARA. C
S/O CHANDRASHEKARAIH,
AGED ABOUT 24 YEARS
R/AT KALABYRAVESHWARA
NILAYA,
SS ROAD, SIGEHALLI POST,
MAYASANDRA HOBLI, VTC
TURUVEKERE TALUK,
TUMKUR DISTRICT-572213.
2. DILEEPA M.A
S/O ASHOKA M
AGED ABOUT 22 YEARS
R/A MADABAKOPPALU VILLAGE
BAGUR HOBLI, KUNDUR POST
C R PATNA TALUK
HASSAN DISTRICT -573111.

...PETITIONERS

(BY SRI. K.G.RAGHAVAN., SR. COUNSEL FOR
SRI. SHASHANK.J SREEDHARA., ADVOCATE)

AND

- 1 . THE KARNATAKA STATE LAW UNIVERSITY
REP. BY ITS VICE CHANCELLOR
KARNATAKA STATE LAW UNIVERSITY
NAVANAGAR, HUBLI,
KARNATAKA-580025
- 2 . THE REGISTRAR
KARNATAKA STATE LAW UNIVERSITY,
NAVANAGAR, HUBLI,
KARNATAKA-580025

.....RESPONDENTS

(BY SMT. SARITHA KULKARNI., ADVOCATE FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED CIRCULAR DTD 02.07.2025 BEARING NO.KSLU/REG/ACAD/ADMN FEE/2025-26/720 AT ANNEXURE-B AND DIRECT THE RESPONDENT UNIVERSITY TO REFUND THE FEES COLLECTED PURSUANT TO THE IMPUGNED CIRCULAR DTD 02.07.2025 BEARING NO.KSLU/REG/ACAD/ ADMNFEE/ 2025-26/720 AT ANNEXURE-B AND ETC.

THESE WRIT PETITIONS HAVING BEEN HEARD AND RESERVED ON 02.09.2025 AND COMING ON FOR PRONOUNCEMENT OF ORDERS, THIS DAY, THIS COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR JUSTICE R DEVDAS

CAV COMMON ORDER

(PER: HON'BLE MR JUSTICE R DEVDAS)

This batch of writ petitions are filed by law students aggrieved of the impugned Circular dated 02.07.2025 bearing No.KSLU/Reg./Acad/Admn-Fee/2025-26/720 issued by the respondent-Karnataka State Law University.

2. Learned Senior Counsel Sri K.G. Raghavan, appearing for some of the petitioners submitted that a short question arises for consideration at the hands of this Court. The issue is whether the impugned circular said to be approved by the

Academic Council of the University in its 37th Academic Council Meeting dated 20.05.2025 and approved by the Vice-Chancellor on 02.07.2025 is valid in the eye of law. Learned Senior Counsel submits that Section 5 of the Karnataka State Law University Act, 2009 (for short 'Act') empowers the University to demand and receive fees and other charges; to determine the fees and other charges payable for affiliation of new Colleges or institution and new courses or increase of intake, etc., *inter alia*, at Clause (ix) and (x), however such power is subject to the provisions of the Act and such conditions as may be prescribed by the Statutes, Regulations and Ordinances. However there are no statutes, regulations or ordinances prescribing such powers and therefore the impugned circular is illegal and without authority of law.

3. Learned Senior Counsel submitted that Article 265 of the Constitution of India provides that no tax shall be levied or collected except by authority of law. Learned Senior Counsel

submitted that Article 265 is interpreted at the hands of the Hon'ble Supreme Court to mean and include fee and therefore unless a Statute, Regulation Or Ordinance is enacted or prescribed as mandated in Section 5 of the Act, no such demand and collection of fee in terms of the impugned circular is permissible.

4. Learned Senior Counsel submitted that prior to the impugned circular, the respondent-University was levying and collecting University Fees and charges at the rate of Rs.3,700/- from every student enrolled in the University. However, the respondent-University has enhanced the fee at the rate of Rs. 8,580/-, thereby the percentage of increase in the fees is 128.8% which is wholly unreasonable and without authority of law. It is submitted the law laid down by the Hon'ble Supreme Court and this Court in the matter of levy and collection of fee, is that there has to be an element of *quid pro quo*, meaning, the fee should be commensurate to the service rendered by the authority. Nothing is forthcoming

from the impugned circular regarding the consideration for enhancement of fee.

5. Per contra, learned counsels Smt. Sarita Kulkarni and Sri Girish Kumar, both appearing for the respondent-University, submit that the Academic Council is empowered to make regulations regarding the courses of study insofar as they are not covered by the Ordinances, as provided in Clause (ii) of sub-section (2) of Section 34 of the Act. Further, the Vice-Chancellor is the ex-officio Chairman of the Academic Council, as provided in Section 33 of the Act and the Syndicate of the University is empowered to charge and collect such fees as may be prescribed by the statutes, in terms of Clause (xxiii) of Section 30 of the Act. While pointing out to Section 28 of the Act, it is submitted that in the list of authorities of the University we can find the Syndicate and the Academic Council. In that view of the matter, it is submitted that the impugned Circular is approved by the Academic Council in its meeting dated 20.05.2025 and is further approved by the

Vice-Chancellor. Learned counsels would also submit that the students had no grievance for levy and collection of the fee till the previous academic year. Therefore, the students cannot contend that the respondent-University is not empowered to levy and collect fee.

6. Heard learned Senior Counsel Sri K.G. Raghavan for the petitioners, learned Counsels Smt.Sarita Kulkarni and Sri Girish Kumar for the respondent-University and perused the petition papers.

7. The issue brought before this Court lies in a narrow compass. The issue is whether the impugned Circular dated 02.07.2025 issued by the respondent-University, enhancing the fee structure for registration of the students, of the 5 years course as well as 3 years course, is valid in the eye of law.

8. As rightly submitted by the learned Senior Counsel appearing for the petitioners, although Section 5 of the Act empowers the University to demand and receive fees and

other charges, nevertheless such levy and collection of fee should be provided for by the Statutes, Regulations or Ordinances. No material is placed by the respondent-University showing the enactment of such Statutes, Regulations or Ordinances in the matter of levy and collection of fees and other charges. The Syndicate of the University is also empowered to charge and collect such fee, as may be prescribed by the statutes. There being no such statutes providing for levy and collection of fees, the impugned Circular is not valid.

9. For the reasons stated above, the Writ Petitions should succeed.

10. Accordingly, the Writ Petitions are **allowed** and the impugned Circular dated 02.07.2025 bearing No.KSLU/REG/ACAD/ADMN-FEE/2025-26/720 issued by the respondent-University is hereby quashed and set aside.

11. The excess fee collected by the respondent-University, having regard to the immediately previous Circular,

shall be refunded to all the students, irrespective of whether such students are parties to these proceedings or not.

12. The excess fee shall be refunded by the respondent-University as expeditiously as possible and at any rate within a period of two months from the date of receipt of a copy of this order.

Ordered accordingly.

13. Pending Interlocutory Applications, if any, stand disposed of.

**Sd/-
(R DEVDAS)
JUDGE**

BVV/JT/-
CT: JL