



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD

AND

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

WRIT PETITION NO.201081 OF 2022 (S-KAT)

C/W

WRIT PETITION NO.200554 OF 2023

IN W.P.NO.201081/2022

BETWEEN:

1. THE PRINCIPAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF EDUCATION,
M.S.BUILDING, DR.AMBEDKAR VEEDHI,
BENGALURU – 560 001.
2. THE ADDITIONAL COMMISSIONER,
DEPARTMENT OF PUBLIC INSTRUCTIONS,
DHARWAD – 580 001.
3. THE DEPUTY DIRECTOR OF
PUBLIC INSTRUCTIONS (ADMN.),
VIJAYAPURA.
4. THE BLOCK EDUCATION OFFICER,
VIJAYAPURA.

...PETITIONERS

(BY SRI VIRANAGOUDA M.BIRADAR, A.G.A.)



AND:

1. SMT. MAJANABI
W/O BADASHA INAMDAR,
AGE ABOUT 50 YEARS,
OCC: SECOND DIVISION ASSISTANT,
OFFICE OF THE CLUSTER-ASSISTANT,
EDUCATIONAL OFFICER,
NEAR REMAND HOME, VIJAYAPURA.
2. THE REGISTRAR,
KARNATAKA LOKAYUKTA,
BENGALURU – 560 001.

...RESPONDENTS

(BY SRI S.S.MAMADAPUR, ADVOCATE FOR C/R1;
SRI SUBHASH MALLAPUR, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI TO QUASH THE ORDER PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL AT KALABURAGI, IN APPLICATION NO.6448/2017, DATED 09.04.2021, ANNEXURE-B TO THE PETITION AND DISMISS THE APPLICATION NO.6448/2017 AND ETC.

IN W.P.NO.200554/2023

BETWEEN:

THE REGISTRAR,
KARNATAKA LOKAYUKTA,
BENGALURU – 560 001.

...PETITIONER

(BY SRI SUBHASH MALLAPUR, ADVOCATE)



AND:

1. SMT. MAJANABI
W/O BADASHA INAMDAR,
AGE ABOUT 50 YEARS,
OCC: SECOND DIVISION ASSISTANT,
OFFICE OF THE CLUSTER-ASSISTANT
EDUCATIONAL OFFICER,
NEAR REMAND HOME, VIJAYAPURA – 586 101.
2. THE STATE OF KARNATAKA,
REP. BY PRINCIPAL SECRETARY,
EDUCATION DEPARTMENT,
M.S.BUIDLING, BENGALURU – 560 001.
3. THE ADDITIONAL COMMISSIONER,
DEPARTMENT OF PUBLIC INSTRUCTIONS,
DHARWAD – 580 001.
4. THE DEPUTY DIRECTOR OF PUBLIC
INSTRUCTIONS (ADMN),
VIJAYAPURA- 586 101.
5. THE BLOCK EDUCATION OFFICER,
VIJAYAPURA – 586 101.

...RESPONDENTS

(BY SRI VIRANAGOUDA M.BIRADAR, A.G.A. FOR R2 TO R5;
SRI S.S.MAMADAPUR, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI AND QUASH THE ORDER DATED 09.04.2021 PASSED BY THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL KALABURAGI IN APPLICATION NO.6448/2017 VIDE ANNEXURE-B AND ETC.

THESE WRIT PETITIONS, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD
AND
HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL ORDER

(PER: HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD)

These two Writ Petitions are filed challenging the order dated 09.04.2021 passed by the Karnataka State Administrative Tribunal, Kalaburagi (for short, 'the Tribunal') in Application No.6448/2017, whereby the Tribunal has allowed the application filed by the applicant/respondent No.1 herein. Being aggrieved by the said order, the State has filed W.P.No.201081/2022 whereas the Lokayukta has filed W.P.No.200554/2023.

2. For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3. The case of the applicant is that she was appointed as an Second Division Assistant (SDA) on compassionate ground. On 05.12.2008, while she was working in the office of the Cluster Assistant Education



Officer, Vijayapur, the Lokayukta Police has implicated her in an alleged trap, though she did not demand and accept the alleged bribe amount from the complainant i.e, Sri Mahadevappa Biradar. The further case of the applicant is that the complaint is given against another officer Smt.Arundhati as she had demanded an amount of Rs.200/- for issue of transfer certificate and the applicant has not demanded any money from the complainant. When the said transfer certificate was ready for issuing, the complainant tried to give money to the applicant but the applicant refused to take and when the complainant was ready to give the same in her hand, she took back her hand and forcibly, the complainant thrust the same. At that time, Lokayukta Police came to the spot. Thereafter, by making allegation that applicant herein has received the money, the Lokayukta police have falsely implicated her. Thereafter a charge sheet was filed in Special Case (Lok) No.2/2010 before the Special Judge, Principal Sessions Judge, at Vijayapura. In the criminal case, the



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applicant was honourably acquitted from the charges. Even though applicant has been acquitted in the criminal case, the departmental enquiry has been initiated against the applicant. The enquiry has been entrusted to the Lokayukta under Rule 14A of the Karnataka Civil Services (CC and A) Rules 1957 (for short, 'the Rules'). Lokayukta after conducting the enquiry submitted a report stating that charges have been proved and recommended her for compulsory retirement. On the basis of the recommendation of Lokayukta, the disciplinary authority has passed the impugned order dated 07.10.2017 imposing penalty of compulsory retirement. Being aggrieved by the same, the applicant has approached the Tribunal. The Tribunal by order dated 09.04.2021 has allowed the application. Being aggrieved by the finding in the order that the Lokayukta has no power to recommend the imposition of a particular penalty, the Lokayukta has filed this writ petition. The State has also filed a writ



petition challenging quashment of the entire order of punishment been quashed.

4. Learned counsel appearing for the Lokayukta has contended that on the recommendation of the Lokayukta as per Section 12(3) of the Lokayukta Act, the departmental enquiry has been initiated against the applicant. The disciplinary authority by exercising the power under Rule 14A of the Rules has entrusted the matter to Lokayukta to conduct an enquiry under Section 12 of the Lokayukta Act. On the basis of enquiry report, Lokayukta has power to recommend the Government for imposing the penalty. It is for the disciplinary authority to pass an order after verifying the records. The finding of the Tribunal that Lokayukta has no power to recommend any penalty is contrary to Section 12 of the Lokayukta Act.

5. Learned Additional Government Advocate appearing for the State has contended that Lokayukta has conducted a raid. The applicant was red handedly caught demanding Rs.200/- from the complainant for issuing the



transfer certificate. The Lokayukta has conducted an enquiry and submitted a report that charges levelled against the applicant has been proved. Since charges are serious in nature, the disciplinary authority, after giving show cause notice to the applicant and after considering the reply submitted by the applicant, has imposed the penalty of compulsory retirement. Without considering this aspect of the matter, the Tribunal has erred in allowing the application by setting aside the punishment imposed by the respondent-State.

6. Learned counsel appearing for the applicant submitted that the complainant Sri Mahadevappa Biradar in the complaint specifically stated that he has not given any complaint on the applicant that she has demanded any money for issuing the transfer certificate. His complaint is only against another officer Smt. Arundhati. On the basis of the complaint lodged by Sri Mahadevappa Biradar, a criminal case has been filed against the applicant in Special Case (Lok) No.2/2010. The Special



Court after examining the witnesses has honorably acquitted the applicant on the ground that the prosecution has failed to prove that applicant has demanded any money. On the same set of charges, now departmental enquiry has been initiated and penalty has been imposed. Once the applicant has been honorably acquitted, the departmental enquiry has to be quashed.

7. In support of his contention he has relied on the judgment of the Apex Court in case of ***Ram Lal Vs. State of Rajasthan and Others [(2024)1 SCC 175]***.

8. Secondly, pursuant to the second show cause notice, the applicant has given a detailed reply stating that she has not demanded any money for issuing the transfer certificate; even no complaint has been lodged against her and she has been acquitted in the criminal case. Without considering the reply submitted by the applicant and without application of mind, the disciplinary authority has imposed penalty of compulsory retirement. Considering all these aspects, the Tribunal has rightly allowed the



application. Hence, he sought for dismissal of the writ petitions.

9. Heard the learned counsel for the parties and perused the writ papers along with annexures.

10. It is not in dispute that the applicant was appointed as SDA on compassionate ground. On 05.12.2008, while she was working in the office of Cluster Assistant Education Officer at Vijayapur, on allegation that she has demanded amount of Rs.200/- for issuing a transfer certificate, departmental enquiry has been initiated. Lokayukta has also initiated criminal case against the applicant and filed a charge sheet in Special Case (Lok) No.2/2010. The charges in the criminal case has been extracted below:

1. *Whether the prosecution has proved beyond reasonable doubt that, prior to 5.12.2008 the accused while working as SDA in Government High School, Remand Home, Bijapur demanded ₹200/- from the complaints and on 5.12.2008 at about 1.45 P.M. demanded and accepted the said bribe amount of ₹200/-, as gratification other than legal remuneration as a motive for*



issuing the 7th standard passed Transfer Certificate of the complainant and thereby committed an offence punishable u/s.7 r/w. sec.13(2) of the Act?

2. *Whether the prosecution has proved beyond reasonable doubt that, the accused during the above said period, being a public servant committed criminal misconduct by abusing her position as Second Division Assistant, in Government High School, Remand Home, Bijapur and obtained pecuniary advantage of ₹200/- from the complainant for issuing his 7th standard passed Transfer Certificate and thereby committed an offence punishable u/s. 13(1) (d) r/w. sec.13(2) of the act?*

11. The charges framed in the departmental enquiry are extracted below:

"CHARGE :

That you, Smt. Majanabi W/o Badashaha Inamdara (here in after referred to as Delinquent Government Official, in short DGO), while working as the Second Division Asst., O/o the Cluster Assistant Educational Officer, Bijapur (Government Composite High School, Near Remand Home, Bijapur) demanded and accepted a bribe of ₹200/- on 05/12/2008 from complainant Sri. Mahadevappa Revuthappa Biradar, Hamal's Colony, Bijapur for getting issued School Transfer Certificate of the complainant that is for doing an official act, and thereby you failed



to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966."

12. In criminal case as well as in the departmental enquiry charges are identical. The specific case of the applicant is that there is no complaint lodged by the complainant Sri.Mahadevappa Biradar against the applicant. The complaint has been lodged against another officer Smt.Arundhati D., Assistant Education Officer. In the criminal case, the prosecution has examined six witnesses, namely: 1) Mahadev Ravutappa Biradar; 2) Mahiboobsab Saheblal Sarwada; 3) Arundati D.; 4) Shrikant Mahalingappa Wali; 5) Chainnayya Virantayya Hiremath; 6) B.Balaraju PI. In departmental enquiry, the Lokayukta has examined three witnesses i.e., Sri.Mahadevappa Ravuthappa Biradar; 2) Sri.Mehaboobsab Saheblal Sarwada; 3) B.Balaraju, Police Inspector, Karnataka Lokayukta. The three witnesses examined in the departmental enquiry are the same



witnesses which have been examined in the criminal case. After considering the evidence of the parties in criminal case, the applicant has been acquitted honorably.

13. The Hon'ble Apex Court in the case of ***Ram Lal*** (supra) in paragraphs-29 and 30 held that where the charges in the departmental enquiry and criminal courts are identical, evidence, witnesses and circumstances are also same, and where Court in exercise of judicial review finds that acquittal in criminal proceedings was after full consideration of prosecution evidence and prosecution miserably failed to prove the charge, the Court can interfere with order passed by disciplinary authority where findings of disciplinary authority are found to be unjust, unfair and oppressive. In the case in hand, the charges are identical, the witnesses examined in both criminal case as well as in departmental enquiry are the same, the complainant has specifically stated that he has not lodged any complaint against the applicant regarding demand of any money.



14. We are of the view that the Tribunal after considering all these aspects has rightly allowed the application. However, the apprehension of Lokayukta regarding the finding of the Tribunal that Lokayukta has no power to recommend for imposing the penalty is concerned, under Section 12 of the Lokayukta Act, along with the enquiry report, the Lokayukta can recommend for imposing certain penalty and that is not binding on the disciplinary authority. The disciplinary authority has to consider the enquiry report and reply submitted by the delinquent and thereafter, to consider whether to impose the penalty or not. Therefore, we find no error or illegality in the order passed by the Tribunal.

15. In view of the above observations, we pass the following:

ORDER

- i. The Writ Petitions are dismissed.



- ii. The petitioners are directed to reinstate respondent No.1 into the service within three months from the date of receipt of copy of this order.

Sd/-
(H.T.NARENDRA PRASAD)
JUDGE

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

VNR
List No.: 1 Sl No.: 63