



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.25276 OF 2022 (GM-RES)

BETWEEN:

1. SMT. H. S. BINDHYA
W/O LINGANANDA H C
AGED ABOUT 38 YEARS
WORKING AS DISTRICT OFFICER
BACKWARD CLASSES WELFARE DEPARTMENT
CHAMARAJANAGAR DISTRICT
CHAMARAJANAGAR - 571313.

...PETITIONER

(BY SRI. SATISH K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS ADDITIONAL CHIEF
SECRETARY
DEPARTMENT OF SOCIAL WELFARE
VIKASA SOUDHA, BENGALURU - 560 001.

...RESPONDENT

(BY SRI. MAHANTESH SHETTAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER DATED 12.12.2022 BEARING NO.SaKaE 261 VaKaSe 2022 PASSED BY THE RESPONDENT(ANNEXURE-J) IN SO FAR AS THE PETITIONER IS CONCERNED.



THIS PETITION, COMING ON FOR FURTHER HEARING,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

1. In this writ petition, petitioner is assailing the order dated 12.12.2022 (Annexure-J), passed by the respondent - State.
2. Heard the learned counsel appearing for the parties.
3. The petitioner is working as District Officer, Backward Classes Welfare Department, Chamarajanagara District. The respondent - Department has introduced a Scheme for welfare of widows by which, widows belonging to Scheduled Castes and Scheduled Tribes are entitled for benefit of Rs.3,00,000/- if they get re-married, as per the Government Order dated 17.04.2017. On account of news reported in Prajavani newspaper on 20.10.2019, as to issuance of fake certificates, a preliminary enquiry was conducted and report was submitted on 21.10.2019, discloses that one Sri. Ramegowda, Assistant Director - Grade II, was involved in the said allegation. In this connection, the respondent has addressed letter dated 25.10.2019 (Annexure-A), to initiate criminal prosecution



against the alleged persons and thereafter, the petitioner was directed to lodge criminal case against them as per Annexure-B. Pursuant to the same, Crime No.205/2019 was registered before the Periyapatna Police Station, as per Annexure-D. Thereafter the matter was referred to Civil Enforcement Cell for investigation and a report was filed as per Annexure-E and F. It is the case of the petitioner that the respondent - Government, without considering the fact that the petitioner is not involved in the said alleged incident, erroneously initiated Departmental Enquiry, against the petitioner as per the 'Articles of Charge' at Annexure-G. The petitioner has filed reply, however, a charge-sheet was filed against the petitioner and the impugned order at Annexure-J was passed to take further action against the petitioner.

4. Having heard the learned counsel appearing for the parties, as the petitioner was exonerated in the enquiry as per the report produced at Annexure-E and also by order dated 25.03.2021 (Annexure-H), the impugned order at Annexure-J requires to be quashed. In this regard, after considering the factual aspects on record, as per the order dated 25.03.2021



(Annexure-H), wherein the petitioner has been exonerated from the charges levelled against the petitioner, the respondent - authorities cannot initiate further action against the petitioner as per the order dated 12.12.2022 (Annexure-J to the writ petition). Following the declaration of law made by the Hon'ble Supreme Court in the case of STATE (NCT OF DELHI) Vs. AJAY KUMAR TYAGI reported in (2012) 9 SCC 685, I am of the opinion that, as the respondent has failed to establish guilt of the petitioner in the departmental enquiry, and therefore, there would be no purpose served by continuing the criminal proceedings against the petitioner.

5. In the result I pass the following:

ORDER

(i) Writ petition is allowed.

(ii) The order dated 12.12.2022 (Annexure-J) passed by the respondent, in so far as the petitioner herein is concerned, is hereby quashed.

SD/-
(E.S.INDIRESH)
JUDGE

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List No.: 1 Sl No.: 50