



CNR: KAHC010125642019

NC: 2026:KHC:42941-DB  
WP No. 18843 of 2019

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

**DATED THIS THE 12<sup>TH</sup> DAY OF AUGUST, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE D K SINGH**

**AND**

**THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN**

**WRIT PETITION NO. 18843 OF 2019 (GM-KLA)**

**BETWEEN:**

M. SHIVALINGAPPA,  
S/O MALIYAPPA,  
AGED ABOUT 60 YEARS  
RETIRED HEAD MASTER,  
RESIDING AT SIDDARAMANAGARA  
HOSADURGA TOWN,  
CHITRADURGA DISTRICT – 577 527.

...PETITIONER

(BY SRI. GANGADHARAPPA A V.,ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS  
PRINCIPAL SECRETARY  
EDUCATION DEPARTMENT  
(SECONDARY EDUCATION)  
M S BUILDING,  
AMBEDKAR ROAD,  
BANGALORE – 560 001.
2. KARNATAKA LOKAYUKTHA  
REPRESENTED BY ITS REGISTRAR  
M S BUILDING,  
AMBEDKAR ROAD,  
BANGALORE – 560 001.

Digitally  
signed by  
MALA K N  
Location:  
High Court  
of Karnataka



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3. SRI.VINAYAKA EDUCATION SOCIETY(R),  
SIDDARAMANAGARA,  
HOLALKERE ROAD,  
HOSADURGA TOWN,  
CHITRADURGA DISTRICT.  
REPRESENTED BY ITS SECRETARY,

...RESPONDENTS

(BY SRI.BYRE GOWDA N.,AGA FOR R1;  
SRI.K PRASANNA SHETTY., ADVOCATE FOR R2;  
R3 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS AND PROCEEDINGS OF THE CASE AND QUASH THE REPORT DATED 25.08.2016 SUBMITTED BY HON'BLE UPA LOKAYUKTA IN THE OFFICE OF R-2 TRUE COPY OF WHICH IS PRODUCED AS ANNEXURE-K1 BY DECLARING THAT THE R-2 HAS NO JURISDICTION OR AUTHORITY OF LAW TO ENTERTAIN THE COMPLAINTS DATED 11.9.2014 & 17.9.2014 TRUE COPIES OF WHICH ARE PRODUCED AS ANNEXURES-D AND D1 RESPECTIVELY AND INVESTIGATE ON THE SAME UNDER THE KARNATAKA LOKAYUKTHA ACT - 1984 AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN B GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH  
AND  
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN



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**ORAL ORDER**

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present petition has been filed by the petitioner seeking for the following relief:

- (a) *a writ in the nature of certiorari or any other appropriate writ or order the report ring No.Compt/Upa Lok/BD.3211/2014/DRE-5 dated 25/8/2016 submitted by of Hon'ble Upa Lokayukta in the office of 2<sup>nd</sup> respondent true copy of which is produced as ANNEXURE – K1 by declaring that the 2<sup>nd</sup> respondent has no jurisdiction or authority of law to entertain the complaints dated 11/9/2014 & 17/9/2014 true copies of which are produced as ANNEXURES – D & D1 respectively and investigate on the same under the Karnataka Lokayuktha Act-1984;*
- (b) *a writ in the nature of certiorari or any other appropriate writ or order quashing the order bearing No.ED 421 SES 2016 dated 30/10/2018 issued by the 1<sup>st</sup> respondent true copy of which is produced as ANNEXURE-L by declaring that the 1<sup>st</sup> respondent cannot invoke the provisions of Section 101 of Karnataka Education Act-1983;*
- (c) *a writ in the nature of certiorari or any other appropriate writ or order quashing the order bearing No.UPLOK-2/DE/499/2018 dated 5/11/2018 passed by the Hon'ble Upa Lokayuktha certified copy of which is produced as ANNEXURE-M;*
- (d) *a writ in the nature of certiorari or any other appropriate writ or order quashing the Articles of Charge dated 6/12/2018 bearing No.UPLOK-*



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*2/DE-499/2018/ARE-9 issued by the 2<sup>nd</sup> respondent true copy of which is produced as ANNEXURE-N:*

- (e) *any other appropriate writ or order or direction as this Hon'ble court may deems fit to grant under the facts and circumstance of the case including an order as to cost of this writ petition;"*

2. The petitioner was initially appointed as an Assistant Teacher in a school run by Sri Vinayaka Education Society, Siddaramanagara, Holalkere Road, Hosadurga Town, Chitradurga District on 12.07.1983. His appointment was approved by the Education Department, Government of Karnataka on 28.12.1983. He was promoted by the Managing Committee of the said Education Society to the post of Head Master vide order dated 01.08.1986. This promotion was approved by the Education Department, Government of Karnataka on 18.03.1992. It appears that the institution was upgraded to Junior College and the petitioner worked as Principal of the said Junior College till he retired on attaining the age of superannuation on 31.07.2018. The said Vinayaka



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Composite Junior College was taken grant in aid in the year 1994.

3. The complaint against the Petitioner was given to the Lokayukta by the former Member of the Management Committee of Sri Vinayaka Education Society, stating that he had secured the appointment for the post of Assistant Teacher, Headmaster and the Principal of Sri Vinayaka Composite Junior College on the basis of forged and manipulated documents. These complaints were filed on 11.09.2014 and 17.09.2014. The complaint was addressed to the Superintendent of Police, Karnataka Lokayukta, State of Karnataka, Chitradurga Division for making enquiry and submitting report.

4. The petitioner was issued notice. To which, he filed reply refuting the allegations made against him. It is said that the petitioner had produced all relevant documents in support of his explanation. The Superintendent of Police had submitted the report. The



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report does not mention anything about him manipulating the records to obtain the appointment as Assistant Teacher, Headmaster and Principal of the said school. But, the report deals with misappropriation and mismanagement of the funds provided to the said college.

5. The report of the Superintendent of Police is considered and the Lokayukta under Section 12(3) of the Karnataka Lokayukta Act, 1984 (hereinafter referred to as 'Act' for short) forwarded the report dated 25.08.2016 to the State Government for taking appropriate action and reporting the action taken against the petitioner under Section 12(4) of the Act. This report submitted by Lokayukta under Section 12(3) under the Act and the direction for intimating the action taken on the report are under challenge before the Court in the present Writ Petition.

6. Sri. Gangadharappa A.V. learned counsel appearing for the petitioner has raised basically three



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contentions. One, under Section 8 of the Act, the Lokayukta is empowered to investigate a complaint in respect of the incident which has taken place not before 5 years from the date of the complaint. Second, the petitioner was not a Government servant, when he was appointed way back in the year 1983, inasmuch as, he was employed by the society and the school in which he was employed taken in grant in aid only in 1994 and the complaint in respect of the incident when the petitioner was not the Government servant could not have been enquired into by the Lokayukta. Third, before submitting the report under Section 12(3) of the Act, the petitioner was not issued any Show Cause Notice, nor any opportunity was granted to him to put his case before the Lokayukta.

7. On the other hand, Sri. K. Prasanna Shetty, learned counsel for Lokayukta and Sri. Byre Gowda N, learned AGA have submitted that the report contains serious charges against the petitioner regarding financial



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irregularities and misuse of the Government funds. The irregularities continued till he retired from the office and therefore, even if the complaint was time barred, allegations being serious, the Government should be permitted to go ahead with the enquiry for taking appropriate action under the law.

8. We have considered the submissions carefully and perused the records of the Writ Petition.

9. It is not in dispute that the petitioner was appointed before the institution was taken in grant in aid, by a private society registered under the Karnataka Societies Registration Act, and therefore, he was not a Government servant. The complaint is in respect of the initial appointment of the year 1983. Section 8 of the Act, specifically provides that the Karnataka Lokayukta would not have the jurisdiction to investigate a complaint in respect of an incident which had taken place 5 years prior to the date of complaint.



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10. Section 8(2) (d) of the Karnataka Lokayukta Act, 1984 could read as under:

**8. Matters not subject to investigation. –**

*(2) The Lokayukta or an Upa-Lokayukta shall not investigate. –*

*(a) xxx*

*(b) xxx*

*(c) xxx*

*(d) any complaint involving an allegation made after the expiry of five years from the date on which the action complained against is alleged to have taken place:"*

11. The provisions of Section 8 of the Act provide that the Lokayukta would not have the jurisdiction to investigate a complaint in respect of an incident which had taken place prior to five years from the date of the complaint.

12. We are of the view that the Writ Petition deserves to be allowed on a short point as the Lokayukta would not have the jurisdiction to enquire into the



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complaint with respect to illegality in appointment of the petitioner in a private institution. Thus, we set aside the report of the Lokayukta and allow the said Writ Petition. However, if the Government has any other material regarding irregularity/misappropriate in using the Government funds, Government, if it is so permitted under the law may take appropriate action in accordance with law.

**Sd/-  
(D K SINGH)  
JUDGE**

**Sd/-  
(H.SHANTHI BHUSHAN)  
JUDGE**

BVK  
List No.: 2 Sl No.: 7