

**KARNATAKA LOKAYUKTA****No.Uplok/MYS-2436/2015/DRE-1**

Multi Storied Buildings,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru 560 001.  
Dated: 14/8/2020

**Report under Section 12(3) of Karnataka Lokayukta  
Act, 1984**

Sub: Proceedings against (1) Sri.K.S.Ramakrishnegowda,  
Project Manager, Nirmithi Kendra, Chikmagalur and  
(2) Sri.S.Chandrashekar, Junior Engineer, Nirmithi  
Kendra, Chikmagalur.

\*\*\*\*\*

1. On the basis of complaint filed by Sri.Krishnamurthy, Editor, Zilla Amrutha Pathrike, Shankarapura 1<sup>st</sup> Cross, Chikmagalur, an investigation under Section 9 of the Karnataka Lokayukta Act, 1984, was taken up against (1) Sri.Jayamegowda H.B, President, Jayabharathi Vidya Samsthe, (2) Sri.Parameshwar M.S, Secretary, Jayabharathi Vidya Samsthe, (3) Sri.K.S.Ramakrishnegowda, Project Manager, Nirmithi Kendra, Chikmagalur, (4) Block Education Officer, Chikmagalur, (5) Deputy Director of Public Instructions, Chikmagalur, and (6) Sri.S.Chandrashekar, Junior Engineer, Nirmithi Kendra, Chikmagalur.
2. The brief averments of the complaint are that, Jayabharathi Education Institution is being run in a rented building and though Rs.2 lakhs was granted for construction of additional building under MLC fund during 2011-12, the same has not been utilized for construction of school building and thereby the said amount has been misappropriated. Further it was alleged that the 1<sup>st</sup> respondent having forged the signature of an S.D.A, who was absent, has drawn his salary and that employees have been appointed without following the roster system. It was also

alleged that the 1<sup>st</sup> respondent by falsely representing as the Head Master of Bharathi Education Trust has obtained loan by producing false documents.

3. Respondents 1 to 5 have filed comments. The 6<sup>th</sup> respondent who was subsequently impleaded has filed comments on 24/3/2020 contending that as per the requisition given by the School authorities, since there was already a building in the ground floor in Sy.No.87/1 of Basavanahalli, Lakshmishanagar, Shankarapura, construction was made in the first floor with the available funds and possession has been handed over to the said educational institution. It is further contended that the remaining work was executed by the institution. He has produced a letter dt.7/5/2012 addressed by the Founder Secretary, Bharathi Vidya Samsthe (R), Belur Road, Chikmagalur to the Project Manager, Nirmithi Kendra, Chikmagalur. It is signed by 1<sup>st</sup> respondent.
4. The complainant filed rejoinder dt.24/6/2016 alongwith documents reiterating his complaint allegations.
5. From the perusal of the report of the Commissioner, Department of Public Instructions and the Three Member Committee, it is noticed that after issuing notice under Sec.39 of Education Act, the recognition accorded to the school has been withdrawn. The Teachers working in the said school have been transferred to other schools in the district. In the said reports, it is also stated that since the school has been shifted without permission and there was no basic infrastructure, the recognition has been withdrawn from the year 2017-18.
6. However, even in the report of the Three Member Committee, evasively it has been reported that the construction of the school building was entrusted to Nirmithi Kendra and therefore, the respondents 1 and 2 or the Management Committee of the

school are in no way related to the allegation of the complainant regarding misappropriation of Rs.2 lakhs released under MLC fund. Though the Deputy Commissioner was specifically directed to submit report and documents as to whether the said Rs.2 lakhs has been utilized for construction of school building or whether it has been misappropriated, the Deputy Commissioner has only produced the utilization certificate which states that, Rs.2 lakhs has been actually spent for the purpose for which it was sanctioned and the remaining unutilized amount at the end of March 2013 was nil. The letter is dt.26/7/13. Though the copy of estimate and measurement book have been produced, they do not show the actual date of commencement or the actual date of completion.

7. From the above reports and documents, it is seen that till the recognition was withdrawn, the school was being run in a rented building. It is stated at one instance that the rented building was situated at Belur Road, Chikmagalur. A document issued by JCS Academy has been produced which states that during 2015 the school was shifted to the building which belongs to JCS Academy. The respondents 1 and 2 at one instance have stated in their comments that even as on the said date, the school was run in a rented building. However, in para 3 it is stated that the amount released under MLC funds has been utilized for construction of school building in Lakshmishanagara (Shankarapura), Chikmagalur. A copy of the sale deed dt.15/3/2004 has been produced which shows that Bharathi Education Institution having Administrative Office at Belur Road, Chikmagalur purchased site No.8 formed in Sy.No.87p of Basavanahalli Village, Kasaba Hobli, Chikmagalur Taluk measuring 75x45 ft. In the SAS Form for 2015-16 it is shown as situated at Ward No.18, Pampanagar, 1<sup>st</sup> Cross. But in SAS for 2010-11 it is shown as situated in Lakshmishanagar (Shankarpura), Chikmagalur. Along with the copy of estimate a

plan for construction of class rooms in ground floor and first floor have been produced. Copy of the photographs produced by the complainant along with measurement book shows the construction work undertaken in the ground floor. But in the letter dt.7/5/12 the Founder Secretary of Bharathi Vidya Samsthe, Belur Road, Chikmagalur addressed to the Project Manager, Nirmithi Kendra, Chikmagalur, it has been recited that as per the letter given by Bharathi Vidya Samsthe having administrative office at Belur Road, Chikmagalur, the Deputy Commissioner has accorded permission to put up construction at ಚಿಕ್ಕಮಗಳೂರು ನಗರದ ಬೇಲೂರು ರಸ್ತೆಯಲ್ಲಿರುವ ಭಾರತಿ ಪ್ರೌಢಶಾಲಾ ಕಟ್ಟಡ ಕಾಮಗಾರಿ, but Bharathi Vidya Samste is in Shankarapura, Lakshmishanagar, in Sy.N.87/1 of Basavanahalli. It is further recited that already there is a school building in the ground floor and the estimate is to be prepared for construction of class rooms in the first floor. However, in the measurement book also the name of the work is mentioned as “ಚಿಕ್ಕಮಗಳೂರು ತಾಲ್ಲೂಕು, ಚಿಕ್ಕಮಗಳೂರು ನಗರದ ಬೇಲೂರು ರಸ್ತೆಯಲ್ಲಿರುವ ಭಾರತಿ ಪ್ರೌಢಶಾಲಾ ಕಟ್ಟಡದ ಕಾಮಗಾರಿ”. Further in the letter dt.18/8/15, the 1<sup>st</sup> respondent has stated that since 1985 Bharathi High School is running in a rented building and since the Management Committee could not own a site for the purpose of construction of school building, no amount has been released under MLC fund to Bharathi High School. But the 3<sup>rd</sup> respondent who is the Project Manager of Nirmithi Kendra has vaguely stated that the construction has been completed and the allegation of the complainant is far from truth.

8. The 3<sup>rd</sup> respondent has produced the detailed estimate, approved plan, completion certificate and photographs with handing over note. The Officer who has executed the work is shown as S.Chandrashekar, J.E, Nirmithi Kendra, Chikmagalur and the 'ಕಾಮಗಾರಿಯ ಪರಿವೀಕ್ಷಣಾಧಿಕಾರಿ' is shown as the Project Manager,

Nirmithi Kendra, Chikmagalur. In the approved plan, provision has been made for construction of 3 class rooms in ground floor and 3 class rooms in first floor. In completion certificate, the date of commencement and the date of completion are shown as 5/9/12 and 15/11/12 respectively. The name of the work is shown as “ಚಿಕ್ಕಮಗಳೂರು ನಗರದ ಭಾರತೀ ಪ್ರೌಢಶಾಲಾ ಕಟ್ಟಡ ನಿರ್ಮಾಣ ಕಾಮಗಾರಿ”. In handing over note the date of handing over has been left blank. There is a signature of the Founder Secretary, Bharathi Vidya Samsthe (R), Belur Road, Chikmagalur with date 23/11/12. Two photographs have been produced. In the second photograph, a name board is found as below “ಭಾರತಿ ವಿದ್ಯಾ ಸಂಸ್ಥೆ (ರಿ), ಚಿಕ್ಕಮಗಳೂರು, ಕನ್ನಡ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ ಹಾಗೂ ಇಂಗ್ಲೀಷ್ ನರ್ಸರಿ ಸ್ಕೂಲ್, ಶಂಕರಪುರ”. The construction work seems to have been undertaken in the top floor.

9. Therefore from the above discussion it is seen that the 3<sup>rd</sup> and 5<sup>th</sup> respondents have produced the plan for construction of class rooms in ground floor only. The 6<sup>th</sup> respondent has produced a copy of letter dt.7/5/2012, said to have been written by the 1<sup>st</sup> respondent as Founder Secretary, Bharathi Vidya Samsthe, Belur Road, Chikmagalur, to the Project Manager, Nirmithi Kendra, Chikmagalur, wherein it is requested that the construction be made in the first floor of the building existing in Sy.No.87/1 of Basavanahalli, Lakshmishanagar, Shankarapura, Chikmagalur City. However no modified estimate or modified approval order from the Deputy Commissioner in this regard has been produced. On the other hand it is important to note that the complainant has produced a letter dt.18/8/15 given by the 1<sup>st</sup> respondent which is produced as Annexure-8, wherein he has categorically stated that since from the date of establishment in the year 1985, Bharathi High School, Chikmagalur is being run in the rented building and since it could not own a site for construction of school building, no

funds have been released from M.L.A. fund for the construction of school building to Bharathi High School run by Jayabharathi Educational Institution. Even in his comments at para-2 it is stated as below:

“ಬಾಡಿಗೆ ಕಟ್ಟಡದಲ್ಲಿ ನಡೆಯುತ್ತಿದೆ ಎಂದು ದೂರಿದ್ದು, ಶಾಲೆಯನ್ನು ಬಾಡಿಗೆ ಕಟ್ಟಡದಲ್ಲಿ ನಡೆಸಬಾರದೆಂದು ಎಲ್ಲಿಯೂ ಸೂಚಿಸಿರುವುದಿಲ್ಲ. ಆದರೆ, ಆ ಕಟ್ಟಡವು ಶೈಕ್ಷಣಿಕ ವಾತಾವರಣಕ್ಕೆ ಪೂರಕವಾಗಿರಬೇಕಷ್ಟೆ”.

10. Further he has clarified with regard to the report of B.E.O, referred to in the complaint as below:

“ಕ್ಷೇತ್ರ ಶಿಕ್ಷಣಾಧಿಕಾರಿಗಳು ಶಾಲೆಗೆ ಭೇಟಿ ಕೊಟ್ಟಾಗ ಮುಖ್ಯ ಶಿಕ್ಷಕರ ಹೇಳಿಕೆಯನ್ನು ದಾಖಲಿಸುವಾಗ ಅವರ ಜೊತೆಯಲ್ಲಿ ಬಂದ ಗುಮಾಸ್ತರು ‘ಬಾಡಿಗೆ’ ಎಂಬ ಪದಕ್ಕೆ ಬದಲಾಗಿ ‘ಸ್ವಂತ’ ಎಂದು ದಾಖಲಿಸಿರಬಹುದು. ಅಥವಾ ಬೆರಳಚ್ಚು ಮಾಡುವಾಗ ತಪ್ಪಾಗಿರಬಹುದು. ಇದರಲ್ಲಿ ಮುಖ್ಯ ಶಿಕ್ಷಕರಾಗಲೀ, ಕ್ಷೇತ್ರ ಶಿಕ್ಷಣಾಧಿಕಾರಿಗಳಾಗಲೀ ತಪ್ಪು ಎಸಗಿರುವುದಿಲ್ಲ.”

11. Therefore as on 2015 also, according to the 1<sup>st</sup> respondent, the said educational institution was not granted any amount under M.L.A. fund for the purpose of construction of class rooms, as it did not own any site.

12. No doubt as per Annexure-7 produced alongwith complaint, the Assistant Executive Engineer, P.W.D, has issued a certificate that for the purpose of widening Belur Road, Bharathi High School, Belur Road, Chikmagalur has been demolished. First of all it is undated. Secondly when it was demolished has not been mentioned. Thirdly it doesn't state that the said building was owned by Bharathi Education Institution. Fourthly no prima facie material has been produced to show that the said building was constructed from the M.L.A. funds referred to in the present complaint. Moreover, alongwith the rejoinder the complainant has produced a copy of information furnished by the Assistant Executive Engineer, P.W.D, Chikmagalur, which is shown as Annexure-16, wherein it is stated that there are no documents

available in the office to show that the building of ಭಾರತಿ ಪ್ರೌಢಶಾಲೆ available in the office to show that the building of ಭಾರತಿ ಪ್ರೌಢಶಾಲೆ Belur Road, Chikmagalur was demolished for the purpose of widening of Belur Road. It is to be noted that even in the report dt.11/8/17 submitted by the Director, Secondary Education, it has been stated that as per the information of School Administrative Board, no funds have been received from M.L.A. fund for the construction of School building. It is further stated that they produced a letter showing the modification of the said order for release of amount to Aided Higher Primary School, Bharathi Vidya Samsthe, Lakshmisha Nagar, Chikmagalur. However no such modified order has been produced. But in the utilization certificate the name of the work has been shown as 'ಚಿಕ್ಕಮಗಳೂರು ನಗರದ ಬೇಲೂರು ರಸ್ತೆಯಲ್ಲಿರುವ ಭಾರತಿ ಪ್ರೌಢಶಾಲಾ ಕಟ್ಟಡ ನಿರ್ಮಾಣ'. The photos produced by the 3<sup>rd</sup> respondent show construction in the top floor with the name board in the middle as 'ಕನ್ನಡ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ ಹಾಗೂ ಇಂಗ್ಲೀಷ್ ನರ್ಸರಿ ಸ್ಕೂಲ್, ಶಂಕರಪುರ'. Though in the plan, the place proposed for construction is shown as situated at Lakshmeshanagar Extension, Chikmagalur in the site, plan for ground floor is found. In the handing over note there is a signature of the 1<sup>st</sup> respondent who was admittedly the President of Jayabharabhi Vidya Samsthe, who has given contrary statement that no fund was released for construction of school building.

13. In the measurement book also, the name of the work is written as 'ಚಿಕ್ಕಮಗಳೂರು ನಗರದ ಬೇಲೂರು ರಸ್ತೆಯಲ್ಲಿರುವ ಭಾರತಿ ಪ್ರೌಢಶಾಲಾ ಕಟ್ಟಡದ ಕಾಮಗಾರಿ'. The date of recording is mentioned as 27/28-3-2012. But according to the documents produced by the 6<sup>th</sup> respondent, the Founder Secretary of Bharathi Education Institution had given the requisition to put up construction of first floor in Basavanahalli Sy.No.87/1, Lakshmeshanagar on 7/5/2012. All


these inconsistencies and discrepancies when considered together it can be opined that there are prima facie materials to initiate disciplinary action against the 3<sup>rd</sup> and 6<sup>th</sup> respondents who were the Project Manager and Junior Engineer, Nirmithi Kendra, Chikmagalur, who were responsible for execution of the above work.

14. As per service particulars the date of retirement of the respondents 3 and 6 are 31/10/2029 and 30/6/2034 respectively.
15. Therefore, acting under Section 12(3) of Karnataka Lokayukta Act, 1984, recommendation is made to the Competent Authority for initiating disciplinary proceedings against the 3<sup>rd</sup> and 6<sup>th</sup> respondents i.e., (1) Sri.K.S.Ramakrishnegowda, Project Manager, Nirmithi Kendra, Chikmagalur, and (2) Sri.S.Chandrashekar, Junior Engineer, Nirmithi Kendra, Chikmagalur, and to entrust the departmental inquiry to this authority.
16. As per section 12(4) of the Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate or cause to be intimated to this Authority, the action taken or proposed to be taken on this recommendation, within a period of three months from the date of receipt of this report.

Connected records are enclosed herewith.

  
(Justice B.S.Patil) 17/8/20

Upalokayukta,  
State of Karnataka, Bengaluru

  
14/8/2021