

BEFORE THE ADDITIONAL REGISTRAR OF ENQUIRIES-15

KARNATAKA LOKAYUKTA, BENGALURU.

ENQUIRY NO:UPLOK-1/DE-610/2017/ARE-15

**ENQUIRY OFFICER : RAVI M.R., BA., LLB.,
ADDITIONAL REGISTRAR OF
ENQUIRIES-15
KARNATAKA LOKAYUKTA,
BENGALURU.**

REPORT DATE : 24-07-2019

DELINQUENT GOVERNMENT OFFICIALS : DGO-1 SRI.SUNILDATTA DEVAKULE,
(name mentioned by him in his Written Statement) the then Community Resource Person (CRP), B.R.C., Office of the BEO, South Zone, Kalburgi

Discharge his duties as the then Community Resource Person(CRP)., B.R.C., Office of the BEO., South Zone, Kalburgi District.

DGO-1 due for retirement on superannuation on 31-05-2028

DGO-2 SRI. DATTAPPA TALAWAR,
The then Block Education Officer,
South Range, Kalburgi District.

[Exparte]

and

DGO-3 SMT. MEHARUNNISSA BEGUM,
the then Deputy Director of Public Instruction, Kalburgi District.

Discharge her duties as the then DDPI.

DGO-3 has already been retired from service on 31-07-2016.

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-: R E P O R T :-

Complainant by name Sri. Vittal Vagganna, District President of Karnataka State Primary School Teachers Association, Bengaluru District, Gulbarga Unit files complaint against the DGOs No.(1) Sri. Suniladatta Devakule, CRP(Cluster Resource Person) (2) Sri. Dattappa Talawar, the Block Education Officer and (3) Smt. Meharunnisa Begaum, the then Deputy Director of Public Instruction, Kalburgi District before the Lokayukta Superintendent of Police of Kalburgi on 24-07-2014 as follows :-

(i) He states that DGO No.1Sunildatta Devakule is serving as Cluster Resource Person (CRP) in Sharana Sirasagi Taluk of Kalburgai District and he being a Primary School Teacher used to sexually harass lady teachers, black-mail gent teachers, sell arrack during prohibited hours, do rowdisum etc., and the same came to be reported in several daily tabloids and he was also suspended many times.

(ii) He states that the said DGO-1 Devakule without obtaining necessary permission has secured LLB., Degree by joining regular course during 2003-2009 by suppressing the fact that he is a teacher and also declaring his annual income as only Rs.10,000-00.

(iii) In support of his allegations complainant relies upon 20 documents mentioned in the complaint.

(iv) States though DGO-2- Block Education Officer and DGO-3-Deputy Director of Public Instruction knew very

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well all these dastardly acts of DGO-1 still they have not taken any action against them and are protecting him. Prays to take action against them.

2. Record shows, over the said complaint DDPI., of Kalburgi was called upon to furnish his report and the DDPI., Sri. K.G.Hanumanthappa has furnished his report dated:8-12-2014 wherein he opines

(i) that DGO-1 himself partly admits of studying LLB., without obtaining permission ;

(ii) that DGO-2- Block Education Officer, even though he knew of DGO-1 studying LLB., without permission, still he did not object to it ; and

(iii) therefore the allegation made by the complainant finds to be true.

3. DGO-1 Sunildatta Devakule files his comments and states, as he had got FIRs., registered twice against the complainant in Station Bazar Police Station in Crime No.124/2012 over the matter of using abusive language, insulting in the name of caste and criminal intimidation and another FIR., in Crime No.27/2013 before Faratabad Police Station over the matter of theft of 5 bags of rice meant for Aksara Daasoha, the complainant has filed this complaint against him just to vent his anger against him, although courts of law and departmental enquiry had given a clean chit to the DGO., of all the false allegations that was made against him.

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4. States though hundreds of persons have done higher studies while serving as teachers and in various capacities and have also derived promotions and other economic benefits by dint of such studies still no action has been taken against any of them.

5. States before studying LLB., as he did not have complete information about Government order No. GADO4 SRC 73 dated, 5-2-1973, he applied to the Block Education Officer seeking permission on 26-06-2003. As the Block Education Officer did not make any endorsement on his application seeking permission states, he was under the impression that the Block Education Officer may give him permission later on and therefore studied LLB., semester wise course between 7-15 to 9-30 am., i.e., before commencement of class hours that did not in any affect his duties. States, even the concerned Head Master, CRP., Educational Organizer and Block Education Officer have reported that his LLB., studies have not in any affected his discharge of duties. States he has studied LLB., only for acquiring knowledge and has not derived any promotion or monetary benefit out of it.

6. States because his higher-ups knew very well about the fact that many persons in the service have done regular course they have logically delayed to take action against him and have rendered favorable report in his favor.

7. As regards to the allegation about mentioning his annual income as Rs. 10,000-00 in his admission application he states, that as the information sought in the admission application was about the income of the applicant's father or guardian he

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mentioned the income of his father as Rs.10,000/- and it is not his income.

8. States the complainant knowing fully well all these facts has foisted a false complaint against him as a counter-blast to the FIR., lodged by the DGO., against the complainant.

9. DGOs., No. 2 and 3 have not filed any comments.

10. Based on the said complaint Hon'ble Upalokayukta vide its 12(3) report dated: 07-02-2017 made recommendation to the disciplinary authority to take action as well as to initiate Departmental Enquiry against the DGOs No-1 Sri. Sunildatta Devakule, (2) Sri. Dattappa Talawar and (3) Smt. Meharunnisa Begum. Accordingly the disciplinary authority viz., Under Secretary to Government, Education Department (Administration) vide Government Order dated, 05-04-2017 entrusted the matter to the Hon'ble Upa-Lokayukta to hold Departmental Enquiry against the DGOs who in turn vide Nomination Order dated,28-04-2017 nominates ARE-3 to hold Departmental Enquiry against the aforesaid officials.

11. Article of charge were framed against the DGOs by ARE-3 which is as follows :-

ANNEXURE-I

CHARGE :

You the DGO no.1 being a Primary School Teacher and while working as Community Resource Person (CRP) in the office of BEO, South Zone, Gulbarga, having joined LLB (Bachelor of Law) course

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as regular student in Siddartha Law college, Court Road, Gulbarga by furnishing false declaration about your income during admission and prosecuted the law degree as regular student attending regular course during the period 2003-2009, without obtaining the prior permission of the competent authority, thus contravened the executive instructions issued by the State Government and KCS(Conduct) Rules

2. You DGO no.2 while working as BEO (Southern Range) Kalburgi and you DGO no.3 while working as DDPI, Kalburgi District during the relevant period, though were aware of the fact that, DGO no.1 has been prosecuting regular LLB course by attending Siddartha Law College as regular student, while discharging his duties as CRP in the office of BEO (South Zone), without taking prior permission from the competent authority, you have failed to take any action against him and failed to keep him under suspension by initiating disciplinary proceedings against him, thereby facilitated him to prosecute and complete LLB course, thereby you DGOs 1 to 3 have committed an act of unbecoming of a Government servant and exhibited negligence in discharging your duty as public servant and thus guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

ANNEXURE-II

[STATEMENT OF IMPUTATION OF MISCONDUCT]

On the basis of complaint filed by Sri.Vittal s/o. Shankar Vaggan, H.No. 2-704, Sundarnagar, Sedam road, Gulbarga (hereinafter referred to as 'complainant' for short) against

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Sri.Sunildatta Devakule, C.R.P, B.R.C., Office of BEO, South Zone, Gulbarga (hereinafter referred to as DGO No.1) alleging that DGO No.1 has committed misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

2. According to the Complainant:-

DGO No.1 has joined Law college and has attended classes while working as Teacher in Government School without taking permission from Competent Authority and he has given his income as Rs.10,000/- in the application for admission to Law college by suppressing his real income. Director of Public Instruction in the letter dt: 25.2.2014 has instructed DDPI to take action in the matter and has directed BEO to hold enquiry against DGO No.1 and submit report. But Sri.Dattappa Talawar, the then BEO, (Southern Range), Kalaburgi District and Smt.Meharunnisa Begum, the then DDPI, Kalaburgi District (hereinafter referred to as DGO Nos.2 and 3 respectively) have not taken action and have not submitted report.

3. Report was called for form DDPI (Admn). DDPI has submitted report dt: 8.12.2014. His report disclose that:

- i) DGO No.1 has not obtained permission for joining Law College as regular student.
- ii) DGO No.2 had knowledge about DGO No.1 attending Law College. In spite of it he has not taken any action and he has also not implemented the order of suspension of DGO No.1 immediately.

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4. After receiving the report, DGO No.2 and 3 have been impleaded and their comments were called for.

5. DGO No.1 has submitted comments. He has submitted that he joined law college for acquiring knowledge and he is attending classes has not come in the way of discharging his official duties as his classes were from 7.15 am to 9.30 am . That he has furnished the income of his father as Rs.10,000/- in the application and Rs.10,000/- shown as income in the application is not his income.

6. DGO No.2 and 3 have not submitted any comments inspite of service of notice.

7. The report of DDPI administration and the documents collected during the investigation show that:

(i) DGO No.1 has not denied that he has not taken permission from Competent Authority for joining Law College and attending classes in the law college.

(ii) DGO No.2 has knowledge that DGO No.1 is attending classes in Law College without taking permission, but no action has been taken.

(iii) DGO No.2 has failed to implement of order of suspension immediately.

(iv) Though D.P.I. has directed DGO No.2 to hold enquiry on the allegations against DGO No.1 and submit report within 15 days in the letter dt: 20.3.2014, he has failed to submit report.

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(v) D.P.I. in the letter dt: 2.06.2014 has directed DDPI-DGO No.3 to take action against DGO No.1, but no action has been taken by DGO No.3.

8. In view of the above, comments submitted by DGO No.1 is not acceptable to drop the proceedings against DGO No.1. DGO Nos.2 and DGO Nos.3 have not submitted comments.

9. Since the said facts and materials on record prima facie show that DGO Nos.1-Sri.Sunildatta Devakule, C.R.P, B.R.C., Office of BEO, South Zone, Gulbarga, DGO No.2- Sri. Dattappa Talawar, the then BEO, (Southern Range), Kalaburgi District and DGO No.3- Smt.Meharunnisa Begum, the then DDPI, Kalaburgi District have committed misconduct under Rule 3(1) of KCS (Conduct) Rules, 1966 recommendation is made under section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate disciplinary proceedings against DGO Nos.1 to 3 and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957.

10. The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct departmental/disciplinary proceedings against the DGO and to submit report. Hence the charge.

12. The aforesaid "Article of charge" was served upon the DGOs and DGO 1 and 3 have appeared before this enquiry authority and their First Oral Statements under Rule 11(9) of KCS (CCA) Rules, 1957 was recorded. The DGOs 1 and 3 have pleaded not guilty and claimed to be enquired into about the charge.

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13. In pursuance of receipts of AOC., DGO-1 has filed his Written Statement and reiterates his comments.

14. He states as his office hours started from 9-45 am., daily, his LLB., studies did not in any way affect his duties because the class hours were from 7-15 am to 9-30 am.

15. Further states that the present enquiry against the DGO., is in gross violation of Rules 214 (2)(b)(ii) of KCS Rules as it is initiated after lapse of years.

16. Records shows that DGO-2 though acknowledged receipt of summons has not chosen to appear. Therefore DGO-2 has been placed Exparte.

17. Though DGO-3 Smt. Meharunnisa Begum has filed her Written Statement, yet, she was placed Exparte as she did not turn-up for the enquiry subsequently. She states while working as the Principal, DIET, Kamalapur of Kalburgi District she took additional charge of DDPI., on 15-05-2014 and worked as such till 04-08-2014.

18. She states as on 25-02-2014 i.e., the day on which the DPI., has instructed both the DDPI., (Admin) to look into the matter and the Block Education Officer to hold enquiry against DGO-1 she still had not taken additional charge of DDPI(Admin) . However, the previous DDPI., had directed the Block Education Officer to look into the issue and submit his report.

19. States on she taking over the additional charge of DDPI., on 15-05-2014, on the basis of the report furnished by BEO., she

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issued notice to DGO-1 dated 02-06-2014 and also suspension order dated 20-06-2014 against him and therefore she is not guilty of any misconduct.

20. In proof of the charge Presenting Officer has got examined the complainant Sri. Vittal Waggan as PW-1 and has got marked Ex P-1 to 4.

21. Per contra in proof of his contentions DGO-1 Sri. Sunildatta Devakule got himself examined as DW-1 and got marked Ex D-1 to 3.

22. Heard arguments of the Presenting Officer. Learned Presenting Officer argues that though there was government circular exhibit P4 to the effect that no government employee should prosecute higher education without permission still the DGO., has pursued the education without permission. DGO., himself admits about persuing LLB., without permission. Therefore he is found to be guilty of misconduct.

23. Per contra learned counsel for DGO-1 argues that class hours was from 7-15 a.m., to 9-30 a.m., so the education did not come in the way of his duties. He has pursued LLB., for his knowledge sake and not for monetary benefit or promotion. As per exhibit D2 DGO-1 had applied for permission to the BEO. BEO., did not make any orders on the application. Therefore DGO1 was under the impression that permission would be accorded later on and therefore studied LLB. In the admission application income sought was that of applicant's parents or guardians. Therefore DGO., has declared his father's annual income as Rs.10000/- and has not

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declared any false income. There are so many employees who have studied higher education without permission. Though they have not been given promotion, no DE., has been initiated against any of them. DGO studied LLB., admittedly in the year 2003-09 but the complaint has been failed in 2017, therefore there is inordinate delay. DGO1 had got registered two FIRs., against the complaint, therefore to vent his ire complainant has filed this complaint against him.

24. In reply learned PO., would contend that Exhibit D2 was not received by the BEO., himself. It is received by some other person on behalf of BEO. Therefore it cannot be relied upon. Further in exhibit D1 only commencement of class hours has been mentioned but the ending hours has not been mentioned. Therefore on what ground DGO1 says that class hours of LLB., used to end by 9-15 a.m.

25. After going through the Complaint, Written Statement of the DGO-1 and DGO-3, the evidence and other materials borne on record, on hearing the arguments and in tune with Article of Charges at Annexure-1 the sole point which arises for my consideration is that whether DGO-1 without obtaining permission from the Competent Authority and by furnishing false declaration about his income pursued LLB., Degree course as regular student in Siddartha Law College of Kalburgi and DGO-1 and 2 knowing fully about the said fact failed to take any action against the DGO-1 by way of initiating Departmental Enquiry against him and thereby are guilty of misconduct within the purview of rule 3(I)(i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966 ?

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26. In proof of the charge, Presenting Officer has got examined the complainant Sri. Vittal Waggan as PW-1 and has got marked Ex P-1 to P-4.

27. He reiterates his complaint. Besides states, as the DGO-2 and 3 did not take any action against DGO-1 despite the directions of DDPI., he approached the Deputy Superintendent of Police of Kalubrugi Lokayukta, whereupon DGO-3 called report from DGO-2 and passed order of suspension of DGO-1 on 20-06-2014. States though order of suspension was passed on 20-06-2014, yet DGO-1 was re-instated on 28-06-2014 to the same post and DGO-2 wrote a letter to DGO-3 on 28-06-2014 seeking permission to regularize the period of suspension of DGO-1 as on duty and to disburse salary to him even for the days of his suspension. Hence he was constrained to file the present complaint.

(i) *Ex P-1 to 3 are Form No.I ,II and Written Complaint respectively.*

(ii) *Ex P-4 -page-17 is the Government Circular which states specifically that Government servants desirous of attending colleges or institutions for prosecuting higher studies should necessarily obtain permission of competent authority to appoint them unless it is correspondence course.*

(iii) *Ex P-4 page-15 is the certified copy of Admission Application of DGO-1 wherein at Sl.No.5 it can be seen that the information sought about yearly income was not that of the applicant/DGO-1., but about his father or guardian's. Therefore the allegation of the complainant*

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that DGO-1 has declared his yearly income as Rs. 10,000-00 does not hold good.

(iv) Ex P-4 page -23 is the letter dated, 21-5-2013 written by the Director of Public Instructions, Kalburgi to the DDPI., Kalburgi to submit his report regarding the allegations made by the complainant. Though the letter shows the DPI., asking the DDPI., as to why he has not taken any action so far on the recommendation made by the Assistant Director (Admin) of Sarvashikshna Abhiyana, Bengaluru, yet, the letter does not assume much importance in as much as DGO-3 DDPI., has taken specific contention in her Written Statement that she was not the DDPI., as on the said date and she took additional charge of DDPI., only from 15-05-2014. Therefore it assumes that the said letter was addressed to the previous DDPI.

(v) Ex P-4 page No.4 is another similar letter dated, 17-06-2013.

(vi) Ex P-4 page-25 is another reminder dated, 25-02-2014 (As regard these two exhibits the same reasons discussed in respect of Ex P-4 page 23 holds good).

(vii) Ex P-4 page-29 is the letter dated 20-03-2014 by the then DDPI., B.S.Paramesh addressed to the Block Education Officer to furnish his report on the allegation made by complainant (this document shows that prior to DGO-3 taking additional charge of DDPI., as on 15-05-2014 B.S. Paramesh was the DDPI.

(viii) Ex P-4 page-33 is the letter/report dated, 28-04-2014 written by Block Education Officer to the DDPI., stating that allegations made by the complainant are true.

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(ix) Ex P-4 page-34 is the Show-cause Notice dated 2-6-2014 issued by the Additional Commissioner of Public Instructions Department, Kalburgi to the DGO-3 DDPI Smt. Meharunnisa Begum calling upon her to show cause as to why recommendation should not be made to the Government to initiate Departmental Enquiry against her for not taking any action against DGO-1. Though she was reminded many times from her higher-ups. Though this document makes it crystal clear as to the fact that DDPI., did not take action against DGO-1 despite many reminders, yet, the said letter does not assume much importance in as much as the very said letter shows that DGO-3 was incharge DDPI., as on the said date ; and Ex P-4 page-23 to 25 letters, reminders were all addressed to the earlier DDPI., B.S.Paramesh).

(x) Ex P-4 page-38 is the suspension order dated: 20-06-2014 wherein DGO-3 Smt. Meharunnisa Begum has suspended DGO-1 Sunildatta Devakule from 20-6-2014 till the outcome of Departmental Enquiry.

(xi) Ex P-4 page-42 is the revocation of suspension order dated 28-06-2014 wherein it could be seen that DGO-3 Meharunnisa Begum has revoked the order of suspension passed against DGO-1 within a short period of one week.

(xii) Ex P-4 -page-46 is the letter dated: 28-06-2014 by DGO-2 Block Education Officer to DGO-3 DDPI., seeking permission to withhold the salary of DGO-1 for the suspended period i.e., from 23-06-2014 to 27-06-2014. In the said letter DGO-2 states, as he was busy with the entrance exam of Primary School Teacher that was held on

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22-06-2014 he could not serve the suspension order on DGO-1. Therefore it follows from this letter, that though suspension order was ordered to come into force on 20-06-2014, yet by the lapse of DGO-2 it came into effect only from 23-06-2014 and remained in effect only for 5 days i.e., until 28-06-2014 when it got revoked .

28. Although the first part of the charge that DGO-1 Devkule studied LLB., course without obtaining prior permission of the Competent Authority stands proved by virtue of admission made by DGO-1 both in his comments as well as in his Written Statement, however it can be said that Presenting Officer has failed to prove that DGO-1 falsely declared his yearly income as Rs.10,000/- in his admission application in as much as in Ex P-4 page-15 Admission application at S.No.5 it can be seen that the information sought about yearly income was not that of the applicant/DGO-1 but about his father's or guardian's. Therefore the allegation of the complainant that DGO-1 has declared his yearly income at Rs.10,000/- does not hold good. Therefore it follows that although DGO-1 is not guilty of declaring false income, still by virtue of his own admission he can be found guilty of pursuing LLB., without prior permission.

29. So far second part of the charge that DGO-2 Block Education Officer and DGO-3 Deputy Director of Public Instruction knowing fully well that DGO-1 studied LLB course without obtaining prior permission did not take any action against him is concerned although Presenting Officer has got marked Ex P-4 page- 23 to 25 documents like letter dated, 21-05-2013 another similar dated 17-06-2013 and reminder dated 25-02-2014 written by the DPI of

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Kalburgi to the DDPI., of Kalburgi asking the DDPI., as to why he has not taken any action so far against DGO-1 Devakule on the recommendation made by Assistant Director of Sarvashikshana Abhiyana, Bengaluru yet, those letters do not assume much importance in as much as DGO-3 Meharunnisa Begum has taken specific contention in her Written Statement that she was not the DDPI., as on the said dates and she took additional charge of DDPI., only from 15-05-2014. Though DGO-3 Meharunnisa Begum did not turn-up for enquiry and produce any documents muchless CTC., to show that she took additional charge of DDPI., only from 15-05-2014 yet, the said fact can be gathered from Ex P-4 page No.29 in the letter dated 20-03-2014 by the then DDPI., B.S.Paramesh addressed to the BEO., to furnish his report on the allegations made by the complainant. This document *per se* suggest that prior to DGO-3 taking over of additional charge of DDPI., as on 15-05-2014 B.S. Paramesh was her predecessor in office. Although this stand of DGO-3 holds good, yet that itself does not absolve her of the charge levelled against her in as much as although she has passed order of suspension against DGO-1 on 20-06-2014 as could be seen from Ex P-4 Page No.28, yet a daunting question arises as to what made her to revoke the suspension order vide Ex P-4 page-42 on 28-06-2014 ie., within a week? This has not been explained by her either in her Written Statement or by way of evidence. Therefore it follows that because she was issued show-cause notice by the Additional Commissioner of Public Instruction Department , Kalburgi vide Ex P-4 page -34, for name sake she passed suspension order against DGO-1 and revoked it

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thereafter within a week just to avoid the possibility of Departmental Enquiry that might be initiated against her.

30. In so far as DGO-2 BEO., is concerned he is least bothered to submit either his comments or Written Statement putting forth his defense assailing the allegations made in the complaint. Therefore he was placed Exparte.

31. Further in Ex P-4 page-46 letter dated, 28-06-2014 written by DGO-2 to DGO-3, DGO-2 states as he was busy with the entrance exam of Primary School Teachers that was held on 22-06-2014 he could not serve the suspension order passed against DGO., on 20-06-2014. However, to substantiate the same he has not appeared in the enquiry and produce the time schedule of the said exam. The suspension order against DGO-1 was passed by DGO-3 on 20-06-2014 and it was served on DGO-1 by DGO-2 admittedly on 23-06-2014 i.e., after lapse of clean three days which in itself shows how indifferent both DGO-2 and DGO-3 were towards DGO-1. Added to this when the report furnished by DDPI., R.G. Hanumanthappa in pursuance of the directions issued from this Authority specifically points towards the dereliction of DGO-2 which is stated supra, a heavy duty rest upon DGO-2 to rebut it. He has badly failed to discharge the burden that rest on him. Therefore for all these reasons discussed *supra* I am of the opinion that Presenting Officer has successfully proved the charge brought against all the three DGOs.

32. It is the contention of DGO-1 that he was not fully aware of the Government circular stated *supra* which mandates prior

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permission for making higher studies to Government employees and therefore he applied seeking permission of the BEO., on 26-06-2013. As the BEO., did not make any endorsement on his application seeking permission he was under the impression that permission will be accorded later on and therefore pursued his studies.

33. Further it is his defense that as the classes of LLB., was from morning 7-15 am to 9-15 am., and his duty hours started from 9-45 am., onwards, his studies did not come in the way of his duties in any way and also he has not derived any monetary benefit or promotion on the basis of the said LLB., Degree and it was only for academic purpose.

34. Although in proof of the said defense he has got himself examined as DW-1 and got marked Ex D-1 to D-3, still none of the said documents justify the defense of the DGO in as much when Ex P-4 page-17 Government circular specifically states that Government servants desirous of attending colleges or Institutions for prosecuting higher studies should necessarily obtain permission of competent authority unless it is correspondence course DGO-1 cannot seek to say that he was not aware of the said circular and that his studies has not come in the way of his duties, this is particularly so when he being a primary school teacher and cluster resource person cannot seek excuse of ignorance of law. Therefore it can be said undoubtedly that Presenting Officer has successfully brought home the misconduct of the DGO.

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35. Thus upon appreciation of entire evidence as discussed above I hold that the DGO-1 without obtaining permission from the Competent Authority and by furnishing false declaration about his income passed LLB., Degree course as regular student in Siddartha Law College of Kalburgi and DGO-1 and 2 knowing fully well about the said fact failed to take any action against the DGO-1 by way of initiating Departmental Enquiry against him and also by indirectly supporting him and therefore are guilty of misconduct within the purview of rule 3(I) (i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966 and being of this view I proceed with following:-

- : REPORT :-

Charge against the **DGO No.1** by name Sri. Sunildatta Devakule while working as Community Resource Person(CRP) in the office of the BEO., South Zone, Kalburgi having joined LLB (Bachelor of Law) course as regular student in Siddartha Law college, Court Road, Kalburgi prosecuted the law degree as regular student attending regular course during the period 2003 - 2009 without obtaining prior permission of the competent authority; and

DGO-2 by name Sri. Dattappa Talawar while working as Block Education Officer, South Range, Kalburgi and **DGO-3** by name Smt. Meharunnisa Begum (**Now retired from service on 31-07-2016**) the then Deputy Director of Public

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Instruction, Kalburgi District during the relevant period, though were aware of the fact that DGO-1 was prosecuting regular LLB., course by attending Siddartha Law College as regular student while discharging his duties as CRP in the office of BEO., (South Zone) without taking prior permission from the competent authority kept quiet and thereby indirectly supported him got *proved* and thus they have acted in a manner unbecoming of a Government servants and committed misconduct under Rules, 1966.

Submitted this report to the Hon'ble Upa-Lokayutka-1, Karnataka State, Bengaluru in sealed cover forthwith along with connected records.

Dated, 24th July, 2019.

24-7-19.

[RAVI M.R.]

Additional Registrar [Enquiries-15]
Karnataka Lokayukta,
Bengaluru.

-: **ANNEXURE** :-

	Witnesses Examined on behalf of Disciplinary Authority
	PW-1 Sri.Vittal Waggan.
	Document's marked on behalf of the Disciplinary Authority Ex P-1 to P-4
Ex P-1 to 3	Form No.I, II and Written complaint respectively.
Ex P-4	Certified copies of Government circulars, Admission application etc., (14 to 66 pages)
	List of witness examined on behalf of DGOs
	DGO-1 Sri.Sunildatta Devakule
	Documents marked on behalf of DGOs Ex D-1 to 3
Ex D-1	Certificate from the Principal, Sidharath Law College, Kaluburgi dated, 05-03-2013.
Ex D-2	Letter addressed to the Block Education Officer, South Zone, Kalburgi from the DGO-1 dated,26-06-2013.
Ex D-3	Information provided by the Taluk Social Welfare Officer, Kalburgi through RTI dated 06-03-2013.

Dated, 24th July, 2019.

Ravi M.R.

[**RAVI M.R.**]

Additional Registrar [Enquiries-15]
Karnataka Lokayukta,
Bengaluru.



KARNATAKA LOKAYUKTA

No. UPLOK-1/DE/610/2017/ARE-15

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: 26/07/2019

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri Sunildatta Devakule, the then Cluster Resource Person, (CRP), BRC, Office of the Block Education Officer, South Zone, Kalaburagi;
- 2) Sri Dattappa Talwar, the then Block Education Officer, South Range, Kalaburagi District; and
- 3) Smt. Meharunnisa Begum, the then Deputy Director of Public Instructions, Kalaburagi District, Kalaburagi - Reg.

Ref:- 1) Government Order No.ED 12 DGO 2017, Bengaluru dated 5/4/2017.

2) Nomination order No.UPLOK-1/DE/610/2017, Bengaluru dated 28/4/2017 of Upalokayukta-1, State of Karnataka, Bengaluru

3) Inquiry Report dated 24/7/2019 of Additional Registrar of Enquiries-15, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 5/4/2017, initiated the disciplinary proceedings against (1) Sri Sunildatta Devakule, Cluster Resource Person (CRP) Office of the Block Education Officer, South Zone, Kalaburagi; (2) Sri Dattappa Talwar, the then Block Education Officer, South Zone, Kalaburagi (Presently Lecturer, CTE, Kalaburagi) and Smt. Meharunnisa Begum, the then Deputy Director of Public Instructions, Kalaburagi District (presently retired) (hereinafter referred to as Delinquent Government Officials 1 to 3 for short as DGO-1, DGO-2 & DGO-3 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/610/2017, Bengaluru dated 28/4/2017 nominated Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 to 3 for the alleged charge of misconduct, said to have been committed by them. Subsequently, by Order No. UPLOK-1&2/DE/Transfers/2018 dated 2/11/2018 the Additional Registrar of Enquiries-15 Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGOs 1 to3.

3. The DGO-1 Sri Sunildatta Devakule, Cluster Resource Person (CRP) Office of the Block Education Officer, South Zone, Kalaburagi; DGO-2 Sri Dattappa Talwar, the then Block Education Officer, South Zone, Kalaburagi (Presently Lecturer, CTE, Kalaburagi) and DGO-3 Smt. Meharunnisa Begum, Deputy Director of Public Instructions, Kalaburagi District (presently retired) were tried for the following charge:-

“You, the DGO No.1 being a Primary School Teacher and while working as Community Resource Person (CRP) in the office of BEO, South Zone, Gulbarga having joined LLB (Bachelor of Law) course as regular student in Siddartha Law College, Court Road, Gulbarga by furnishing false declaration about your income during admission and prosecuted the law degree as regular student attending regular course during the period 2003-2009, without obtaining prior permission of the Competent Authority, thus contravened the executive instructions issued by the State Government and KCS (Conduct) Rules.

You DGO No.2 while working as BEO (Southern Range), Kalaburagi and you DGO No.3 while working as DDPI, Kalaburagi District during the relevant period, though were aware of the fact that, DGO No.1 has been prosecuting regular LLB course by attending Siddartha Law College as regular student, while discharging his duties as CRP in the office of BEO (South Zone), without taking prior permission from competent authority, you have failed to take any action against him and failed to keep him under suspension by initiating disciplinary proceedings against him, thereby facilitated him to prosecute and complete LLB course, thereby you DGOs 1 to 3 have committed an act of unbecoming of a Government servant and exhibited negligence in discharging your duty as public servant and thus guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-15) on proper appreciation of oral and documentary evidence has held that the charge against DGO No.1 by name Sri Sunildatta Devakule while working as Community Resource Person (CRP) in the office of the BEO, South zone, Kalburgi having joined LLB (Bachelor of Law) course as regular student in Siddartha Law College, Court Road, Kalburgi prosecuted the law degree as regular student attending regular course during the period 2003 – 2009 without obtaining prior permission of the competent authority; and DGO-2 by name Sri Dattappa Talawar while working as Block Education Officer, South Range, Kalburgi and DGO-3 by name Smt. Meharunnisa Begum (Now retired from service on

31-07-2016) the then Deputy Director of Public Instruction, Kalburgi District during the relevant period, though were aware of the fact that DGO-1 was prosecuting regular LLB., course by attending Siddartha Law College as regular student while discharging his duties as CRP in the office of BEO., (South Zone) without taking prior permission from the competent authority kept quiet and thereby indirectly supported him, got proved and thus they have acted in a manner unbecoming of a Government servants and committed misconduct under Rules, 1966.

5. On re-consideration of inquiry report, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement submitted by DGOs 1 and 3;

- i) DGO-1 Sri Sunildatta Devakule is due to retire from service on 31/05/2028.
- ii) DGO-3 Smt. Meharunnissa Begum has retired from service on 31/07/2016.

7. Having regard to the nature of charge proved against DGO-1 Sri Sunildatta Devakule, DGO-2 Sri Dattappa Talawar and DGO-3 Smt. Meharunnissa Begum;


- i) it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO-1 Sri Sunildatta Devakule, the then Cluster Resource Person, (CRP), BRC, Office of the Block Education Officer, South Zone, Kalaburagi with cumulative effect.

ii) it is hereby recommended to the Government for imposing penalty of reducing the pay in the time scale of pay by four lower stages with cumulative effect on DGO-2 Sri Dattappa Talwar, the then Block Education Officer, South Range, Kalaburagi District with cumulative effect.

iii) it is hereby recommended to the Government for imposing penalty of withholding 5% of pension payable to DGO-3 Smt. Meharunnisa Begum, the then Deputy Director of Public Instructions, Kalaburagi District, Kalaburagi for a period of 5 years.

8. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.


(JUSTICE N. ANANDA)
Upalokayukta-1, 26/7
State of Karnataka,
Bengaluru

