

**KARNATAKA LOKAYUKTA**

NO:Uplok-2/DE/70/2022/ARE-19

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date:05.08.2022**:: REPORT ::**

Sub: Departmental Enquiry against Smt. B.H. Shobha, Head Mistress, Adarsh Institution, RMSA, Challakere Taluk, Chitradurga District - reg.

Ref: 1. Government Order No.ಇಡಿ ೮ ಎಸ್ಇಎಸ್  
2022 ಬೆಂಗಳೂರು, ದಿ.17.03.2022.

2.Nomination Order No:Uplok-  
2/DE/70/2022/ARE-19, Bengaluru,  
dated:11.04.2022 of Hon'ble  
Uplokayukta-2.

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The Departmental Enquiry is initiated against Delinquent Government Official Smt. B.H. Shobha, Head Mistress, Adarsh Institution, RMSA, Challakere Taluk, Chitradurga District (*hereinafter referred as D.G.O for short*).

2. In view of Government Order cited at reference No.1, the Hon'ble Upalokayukta-2 vide Order cited at reference No.2, has nominated Additional Registrar of Enquiries-19 to frame Articles of Charge and to conduct enquiry against aforesaid D.G.O.

**Brief facts;**

The Complaint is filed by one Sri. P. Dyamanna s/o Parashuramappa alleging that the DGO takes away the food grains meant for mid-day meals supplied by the Government and she has also misused Government funds released for the year 2016-17 for maintenance of Adarsh Vidyalaya, Challakere and therefore has committed dereliction of duty. It is further alleged that the DGO has not followed proper procedure or rules in spending the grants and also often quarrels with colleagues working in Adarsh School, Challakere

3. Report u/s 12(3) of Karnataka Lokayukta Act was forwarded by Hon'ble Upalokayukta on 04.01.2022 and based on the report the Competent Authority i.e. Education Department, Government of Karnataka entrusted the enquiry to Hon'ble Upalokayukta on 17.3.2022.

4. The Articles of charge as framed by this ARE is as follows:

That, to you, DGO, a sum of Rs. 19 lakhs was released for the period 2016-17 for maintenance of Adarsh Vidyalaya, Challakere and the said amount was deposited to SDMC

account. The action plan for spending the amount was approved by the members of SDMC and the amount was spent for purchase of articles without following KTPP Act and Rules. The specification of articles required, their quality etc., were not certified. You have also spent Rs. 2,56,987/- for installing safety doors, windows to the class rooms and also for purchase of steel/iron articles without following proper procedure. You have spent Rs. 1,27,066/- for establishing the park in the school premises without permission of higher officers or SDMC committee members.

You have also spent Rs. 46,120/- by flouting rules towards purchase of shoes, socks and uniform without checking the quality, and by this, you have committed, misconduct, dereliction of duty, acted in a manner unbecoming of a Government servant and not maintained absolute integrity, violating Rule 3(1)(i) to (iii) of K.C.S. (Conduct) Rules, 1966. Hence, this charge.

5. The Statement of Imputations of Misconduct as framed by ARE-19 is as follows :

In his complaint, Sri. P.Dyamanna S/o. Parashuramappa has alleged that the DGO takes away the food grains meant for mid-day meals supplied by the Government and she has also misused government funds without authority and also often quarrels with colleagues working in Adarsh School, Challakere.

4. On receipt of the complaint, the DDPI, Chitradurga was directed to investigate the allegations made in the complaint and submit his report.

5. The DDPI, Chitradurga has conducted investigation and submitted report dt: 31/08/2017 narrating that, the DGO herein has spent an amount of Rs. 19 lakhs for the year 2016-17 while implementing action plan she has purchased various articles and utensils and has also got executed many works. He has further submitted that, while doing so though there is no misappropriation of amount, yet the DGO herein has failed to comply the provisions of KRTT Act and Rules and she has also neglected in verifying the quality of articles after they are purchased during the said year. Following are the articles

purchased by the DGO during the said year for which the DDPI, Chitradurga has found non-compliance of KTPP Act and Rules which are as under:

1. Medical instruments worth Rs. 13,662/-
2. 15 chairs of Peacock Company worth Rs. 54,960/-
3. Purchase of Podium worth Rs. 54,044/-
4. 2 Nos. of 3 Seater Iron chair, 1 No. of 3 Seater Steel Chair and 1 No. of Executive Chair worth of Rs. 25,533/-
5. Sanitary Napkin Destruction Machine worth Rs. 40,000/-
6. Mathematics tool kits worth Rs. 20,000/-
7. Band set worth Rs. 20,000/-
8. Medical kit and suggestion box worth Rs. 10,835/-
9. Xerox and scanner machine worth Rs. 20,000/-
10. Sports material worth Rs. 49,975/-
11. Purchase of 16 CCTV camera in 3 phases worth Rs. 1,30,132/-
12. School DC Bills worth Rs. 15,000/-
13. School DC Bills worth Rs. 9,768/-
14. Laboratory equipments worth Rs. 40,000/-
15. Expenses towards sink for hand wash worth Rs. 13,000/-
16. Purchase of Shamiyana worth Rs. 19,500/-

17. Rice cooking equipment (ಅನ್ನದ ಟ್ಯಾಲಿ ಮಾಡಿಸಿದ  
ಬಾಬು) worth Rs. 15,000/-
18. Water filter worth Rs. 97,000/-
19. Purchase brick worth Rs. 17,000/-
20. Purchase of Iron poles for Valiball and for  
Installing school name board worth Rs. 15,000/-
21. Purchase of table for teachers worth Rs. 24,500/-
22. Purchase of round table for office worth Rs.  
25,500/-
23. Reading table worth Rs. 8,460/-
24. Towards supply of Library books worth Rs.  
15,000/-
25. Purchase of science, TLM equipments worth Rs.  
10,000/-

6. It is found that, the DGO herein has purchased iron articles by spending Rs. 1,65,857/- within 5 days and she has further spent Rs. 91,130/- towards installation of window, door, grill and safety doors to the school building. Hence, the DGO has totally spent an amount of Rs. 2,56,987/- without following the KTPP Act and Rules.

7. The report submitted further reveals that, an amount of Rs. 1,27,066/- was spent for forming park in the middle of the government school, but

the said amount has been spent without the authorization by SDMC or superior officers. Hence, the report reveals that, the DGO herein has spent money and secured service as well as articles and got the works executed without complying the provisions of KTPP Act and Rules. The allegations regarding the DGO inflicting mental cruelty to her colleagues have been negated. The further allegations, that the DGO has shown negligence in imparting education to the students has also been negated by mentioning that, the SSLC results for the year 2014-15 has been 100% and for the year 2015-16 and 2016-17 it has been 96% respectively.

8. In her comments dt: 03/10/2017, the DGO stated that she took charge as Head Mistress of Adarsh Vidyalaya (RMSA) Challakere on 17/07/2014. A sum of Rs. 19 lakhs was released for the year 2016-17 which was credited to the SDMC on 13/01/2017 and thereafter upon approval of SDMC Members, Teachers, Executive Officers, Taluk Panchayath and BEO, Action plan was formulated and acted upon. It is further stated that before spending amount list of required articles was forwarded to various shops

and after obtaining the rate lists products and service were obtained/secured at lowest possible rates which were verified by SDMC members and payments were made through cross cheques. She is always involved in many developmental activities and welfare of the students and complaint is made with malafied intention and therefore prayed for dropping the proceedings.

9. In his rejoinder, the complainant has reiterated his allegations and further contended that DGO had colluded with the SDMC members and she has specifically failed to convince her defence regarding compliance of the provisions of KTPP Act and it is clear from the report of DDPI, Chitradurga that she has committed misconduct and dereliction of duty.

10. After going through the complaint, comments of DGO, the investigation report dt: 31/08/2017, submitted by DDPI, Chitradurga and available documents, exact or approximate financial loss cannot be assessed. However, without following procedure or rules regarding spending the grants there is prima facie dereliction of duty for the following reasons:



a) A sum of Rs. 19 lakhs was released for the period 2016-17 for maintenance of Adarsh Vidyalaya, Challakere and the said amount was deposited to SDMC account. The action plan for spending the amount was approved by the members of SDMC and the amount was spent for purchase of articles without following KTPP Act and Rules. The specification of articles required, their quality etc., were not certified. You have also spent Rs. 2,56,987/- for installing safety doors, windows to the class rooms and also for purchase of steel/iron articles without following proper procedure. You have spent Rs. 1,27,066/- for establishing the park in the school premises without permission of higher officers or SDMC committee members.

b) You have also spent Rs. 46,120/- by flouting rules towards purchase of shoes, socks and uniform but quality is not known.

c) In his report dated 31/08/2017, the DDPI, Chitradurga, has made it clear that upon verification of documents and the goods/articles purchased by the DGO there appears to be no misappropriation of misuse of the funds

sanctioned for the purpose. However, he has made it clear that the DGO has not followed proper procedure or rules in spending the grants released for the year 2016-17 for maintenance of Adarsh Vidyalaya, Challakere and therefore has committed dereliction of duty. It is also observed that the quality of the articles purchased has not been certified / checked.

11. There are no valid reasons or explanation offered by the DGO/ Smt. B.H.Shobha to accept her comments and to drop further proceedings against her. In this background, to the above extent, an inquiry needs to be held by the competent authority in accordance with Karnataka Civil Services (CC&A) Rules.

12. Therefore, by invoking the power vested in me under Section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the respondent Smt. B.H.Shobha, Head Mistress, Adarsh Institution RMSA, Challakere Taluk, Chitradurga District. In turn Competent Authority entrusted the enquiry to this Institution vide Reference No.1

and Hon'ble Upalokayukta-2 nominated the enquiry authority/ARE-19 to conduct enquiry and report vide reference No-2. Hence, the Charge.

6. The DGO was duly served with the Articles of Charge and she was directed to appear before this Authority on 30/05/2022. On the said date, the DGO remained absent, however sent a letter along with copy of Official Memorandum dated:03/04/2018 issued by the Joint Director (Admin), Department of Public Instruction, Bengaluru that, the penalty imposed on the basis of Enquiry Report submitted by the Joint Director vide order dated:30/05/2020 to the effect of withholding one annaul increment with cumulative effect is duly entered in the Service Register of DGO Smt. B.H. Shobha, Head Mistress, Adarsh Institution, RMSA, Challakere Taluk, Chitradurga District. Copy of the said order dated: 30/05/2020 passed by Joint Director (Admin), Department of Public Instruction, Bengaluru also came to be produced by the DGO for perusal.

7. In view of the above order and penalty imposed on DGO/Smt. B.H. Shobha, information was sought from the Under Secretary, Department of

Education (Secondary Education) Bengaluru regarding withdrawal of Government order No.ಇಡಿ 5 ಎಸ್‌ಇಎಸ್ 2022 ಬೆಂಗಳೂರು ದಿನಾಂಕ:17/03/2022.

8. On 11/06/2022, the Under Secretary, Department of Education (Secondary Education) Bengaluru has passed order withdrawing the entrustment order bearing No.ಇಡಿ 5 ಎಸ್‌ಇಎಸ್ 2022 ಬೆಂಗಳೂರು ದಿನಾಂಕ:17/03/2022, which is received by this Institution on 14/07/2022. The said order reads as follows;

ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಇಡಿ 5 ಎಸ್‌ಇಎಸ್ 2022,  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 11 ನೇ ಜೂನ್ 2022

ಪ್ರಸ್ತವನೆಯಲ್ಲಿ ವಿವರಿಸಲಾದ ಕಾರಣಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಶ್ರೀಮತಿ. ಬಿ.ಹೆಚ್ ಶೋಭಾ, ಮುಖ್ಯ ಶಿಕ್ಷಕರು, ಆದರ್ಶ ವಿದ್ಯಾಲಯ (ಆರ್‌ಎಂಎಸ್‌ಎ) ಚಳ್ಳಕೆರೆ ತಾಲ್ಲೂಕು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ ಇವರ ವಿರುದ್ಧ ಮಾನ್ಯ ಉಪ ಲೋಕಾಯುಕ್ತರು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ 1984 ಕಲಂ 12(3) ರಡಿ ಸಲ್ಲಿಸಿರುವ ವರದಿಯಲ್ಲಿನ ಆರೋಪಗಳ ಕುರಿತು ಈಗಾಗಲೇ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಿಯವರು ವಿಚಾರಣೆ ನಡೆಸಿ ದಂಡನೆ ವಿಧಿಸಿರುವುದರಿಂದ ಪುನಃ ಅದೇ ಆರೋಪಗಳ ಕುರಿತು ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಉಪ ಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸಿರುವ ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಇಡಿ 5 ಎಸ್‌ಎಎಸ್ 2022, ದಿನಾಂಕ: 17/03/2022ರ ಆದೇಶವನ್ನು ರದ್ದುಪಡಿಸಿ ಆದೇಶಿಸಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಸಹಿ 11/07/2022

(ವಿ.ಶ್ರೀನಿವಾಸಮೂರ್ತಿ)

ಸರ್ಕಾರದ ಆಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಶಿಕ್ಷಣ ಇಲಾಖೆ (ಫೌಡ ಶಿಕ್ಷಣ).

9. Since the penalty is already imposed on the basis of Enquiry Report submitted by the Joint Director vide order dated 30/05/2020 to the effect of withholding one annual increment with cumulative effect is duly entered in the Service Register of DGO Smt. B.H. Shobha, Head Mistress, Adarsh Institution, RMSA, Challakere Taluk, Chitradurga District, this Inquiry on the basis of the same set of allegations made by the complainant Shri. P. Dhyamanna cannot be preceded by this Institution. As the Competent Authority has withdrawn the Entrustment Order Dated: 17/03/2022, this closure report is submitted.



(C.CHANDRA SEKHAR)  
Additional Registrar Enquiries-19 I/c,  
Karnataka Lokayukta,  
Bengaluru.

**ANNEXURES**

**1. LIST OF WITNESSES EXAMINED ON BEHALF OF D.A:**

	NIL
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**2. LIST OF WITNESSES EXAMINED ON BEHALF OF DGO:**

	NIL
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**3. LIST OF DOCUMENTS MARKED ON BEHALF OF**  
**D.A:**

	NIL
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**4. LIST OF DOCUMENTS MARKED ON BEHALF OF**  
**D.G.O:**

	NIL
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**(C.CHANDRA SEKHAR)**

Additional Registrar (Enquiries-19) I/c  
Karnataka Lokayukta  
Bengaluru.

**GOVERNMENT OF KARNATAKA****KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/70/2022/ARE-19

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560001  
Date: 10<sup>th</sup> August, 2022.**RECOMMENDATION**

Sub: Departmental Inquiry against Smt.B.H.Shobha,  
Head Mistress, Adarsh Institution, RMSA,  
Challakere, Challakere Taluk, Chitradurga  
District-reg.,

Ref: 1) Government Order No.ಇಡಿ 5 ಎಸ್‌ಇಎಸ್ 2022,  
Bengaluru, dated: 17/03/2022.

2) Nomination Order No.UPLOK-2/DE/70/2022,  
Bengaluru, dated: 11/04/2022 of Upalokayukta,  
State of Karnataka, Bengaluru.

3) Inquiry Report dated: 05/08/2022 of  
Additional Registrar of Enquiries-19, Karnataka  
Lokayukta, Bengaluru.

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The Government by its order dated: 17/03/2022 initiated the disciplinary proceedings against Smt.B.H.Shobha, Head Mistress, Adarsh Institution, RMSA, Challakere, Challakere Taluk, Chitradurga District (hereinafter referred to as Delinquent Government Official, for short as DGO) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-2/DE/70/2022, Bengaluru, dated: 11/04/2022 nominated Additional Registrar of Enquiries-19, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by her.
3. The DGO, Smt.B.H.Shobha, Head Mistress, Adarsh Institution, RMSA, Challakere, Challakere Taluk, Chitradurga District was tried for the following charges:

**ANNEXURE-1**

**CHARGE:-**

That, to you, DGO, a sum of Rs.19 lakhs was released for the period 2016-17 for maintenance of Adarsh Vidyalaya, Challakere and the said amount was deposited to SDMC account. The action plan for spending the amount was approved by the members of SDMC and the amount was spent for purchase of articles without following KTPP Act and Rules. The specification of articles required, their quality etc., were not certified. You have also spent Rs.2,56,987/- for installing safety doors, windows to the class rooms and also for purchase of steel/iron articles without following proper procedure. You have spent Rs.1,27,066/- for establishing the park in the school premises without permission of higher officers or SDMC committee





members. You have also spent Rs.46,120/- by flouting rules towards purchase of shoes, socks and uniform without checking the quality, and by this, you have committed, misconduct, dereliction of duty, acted in a manner unbecoming of a Government servant and not maintained absolute integrity, violating Rule 3(1)(i) to (iii) of K.C.S. (Conduct) Rules, 1966. Hence, this charge.

4. During the pendency of the Inquiry, DGO sent a letter along with copy of Official Memorandum dated: 03/04/2018 issued by the Additional Director (Admin), Department of Public Instruction, Bengaluru that, the penalty imposed on the basis of Enquiry Report submitted by the Joint Director vide order dated 30/05/2020 to the effect of withholding one annual increment with cumulative effect is duly entered in the Service Register of DGO, Smt.B.H.Shobha, Head Mistress, Adarsh Institution, RMSA, Challakere, Challakere Taluk, Chitradurga District. Copy of the said order dated: 30/05/2020 passed by Joint Director (Admin), Department of Public Instruction, Bengaluru also came to be produced by the DGO for perusal.
5. In view of the above order and penalty imposed on DGO, Smt. B.H.Shobha, information was sought from the Under Secretary, Department of Education (Secondary Education) Bengaluru



regarding withdrawal of Government order No.ಇಡಿ 5 ಎಸ್‌ಇಎಸ್ 2022,  
Bengaluru, Dated: 17/03/2022.

6. On 11/06/2022, the Under Secretary, Department of Education (Secondary Education) Bengaluru has passed order withdrawing the entrustment order bearing No. ಇಡಿ 5 ಎಸ್‌ಇಎಸ್ 2022, Bengaluru Dated: 17/03/2022, which is received by this Institution on 14/07/2022. The said order reads as follows:

**ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಇಡಿ 5 ಎಸ್‌ಇಎಸ್ 2022,**  
**ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 11ನೇ ಜೂನ್ 2022**

ಪ್ರಸ್ತುತನೆಯಲ್ಲಿ ವಿವರಿಸಲಾದ ಕಾರಣಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಶ್ರೀಮತಿ. ಬಿ.ಹೆಚ್ ಶೋಭಾ, ಮುಖ್ಯ ಶಿಕ್ಷಕರು, ಆದರ್ಶ ವಿದ್ಯಾಲಯ (ಆರ್‌ಎಂ‌ಎಸ್‌ಎ) ಚಳ್ಳಕೆರೆ ತಾಲ್ಲೂಕು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ ಇವರ ವಿರುದ್ಧ ಮಾನ್ಯ ಉಪ ಲೋಕಾಯುಕ್ತರು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ 1984 ಕಲಂ 12(3) ರಡಿ ಸಲ್ಲಿಸಿರುವ ವರದಿಯಲ್ಲಿನ ಆರೋಪಗಳ ಕುರಿತು ಈಗಾಗಲೇ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಿಯವರು ವಿಚಾರಣೆ ನಡೆಸಿ ದಂಡನೆ ವಿಧಿಸಿರುವುದರಿಂದ ಪುನಃ ಅದೇ ಆರೋಪಗಳ ಕುರಿತು ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಉಪ ಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸಿರುವ ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಇಡಿ 5 ಎಸ್‌ಇಎಸ್ 2022, ದಿನಾಂಕ: 17/03/2022ರ ಆದೇಶವನ್ನು ರದ್ದುಪಡಿಸಿ ಆದೇಶಿಸಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ

ಸಹಿ 11/07/2022

(ವಿ.ಶ್ರೀನಿವಾಸಮೂರ್ತಿ)

ಸರ್ಕಾರದ ಆಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಶಿಕ್ಷಣ ಇಲಾಖೆ (ಘೌಡ ಶಿಕ್ಷಣ).



7. On perusal of the judgment and on consideration of the totality of circumstances, it is held that, since the penalty is already imposed on the basis of Enquiry Report submitted by the Joint Director vide order dated 30/05/2020 to the effect of withholding one annual increment with cumulative effect is duly entered in the Service Register of DGO, Smt. B.H.Shobha, Head Mistress, Adarsh Institution, RMSA, Challakere, Challakere Taluk, Chitradurga District, this Inquiry on the basis of the same set of allegations made by the complainant, Shri. P.Dhyamanna cannot be preceded by this Institution. As the Competent Authority has withdrawn the Entrustment Order Dated: 17/03/2022, the instant proceedings against the DGO do not survive for consideration at present.

“The proceedings initiated against DGO, Smt. B.H.Shobha, Head Mistress, Adarsh Institution, RMSA, Challakere, Challakere Taluk, Chitradurga District needs to be stopped in view of the fact that the penalty is already imposed on the basis of Enquiry Report submitted by the Joint Director vide order dated 30/05/2020 to the effect of withholding one annual increment with cumulative effect is duly entered in the Service Register”.

8. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer and to close the proceedings against

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DGO, Smt. B.H.Shobha, Head Mistress, Adarsh Institution, RMSA, Challakere, Challakere Taluk, Chitradurga District, since the penalty is already imposed on the basis of Enquiry Report submitted by the Joint Director vide order dated 30/05/2020 to the effect of withholding one annual increment with cumulative effect is duly entered in the Service Register.

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

Connected records are enclosed herewith.

 10/8/22

**(JUSTICE K.N.PHANEENDRA)**  
UPALOKAYUKTA-2,  
STATE OF KARNATAKA.