



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2025

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 19864 OF 2025 (S-RES)

BETWEEN:

SMT.K.J. JALAJAKSHI
AGED ABOUT 52 YEARS
DEPUTY SECRETARY
D/O LATE K G JAWARE GOWDA
NO.214, 2ND FLOOR
KARNATAKA LEGISLATIVE COUNCIL
VIDHANA SOUDHA, BENGALURU - 560 001

R/AT NO.51, PARISHRAMA
11TH CROSS, GANESHNAGAR
KODIGEHALLI, BENGALURU - 560 097

...PETITIONER

(BY SRI. RAGHAVENDRA G GAYATRI., ADVOCATE)

AND:

1. THE HONBLE CHAIRMAN
KARNATAKA STATE LEGISLATIVE COUNCIL
VIDHANA SOUDHA, BENGALURU 560 001.

2. THE SECRETARY
KARNATAKA STATE LEGISLATIVE COUNCIL
VIDHANA SOUDHA, BENGALURU 560 001

...RESPONDENTS

(BY SRI. V G BHANUPRAKASH, AAG ALONG WITH
SRI. VIKAR R, AGA FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL
FOR THE RECORDS TO THE IMPUGNED ORDER DATED:
4.07.2025 PASSED BY THE R-2 VIDE BEARING NO. KAVIPA/AA-
1/21/AMANATTU/2025 BANGALORE VIDE ANNEXURE-A IN SO





FAR AS IT RELATES TO THE PETITIONER IS CONCERNED AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition, the petitioner has called in question the suspension order dated 04.07.2025 passed by the respondent No.2 vide Annexure-A.

2. The case of the petitioner is that the petitioner is an employee of the respondent No.1, Karnataka State Legislative Council. Initially, she was appointed as Stenographer on 23.04.1997 and thereafter, she was promoted as Senior Assistant on 15.07.2011 and again, she was promoted as Section Officer on 07.04.2015. Further, she was promoted as Under Secretary in the respondent No.1, Council vide order dated 10.07.2020 and thereafter, she was promoted to the post of Deputy Secretary vide Order dated 17.08.2023. On 20.11.2024 vide Annexure-B, a communication came to be addressed by the Under Secretary, DPAR, to all the Departments



including the respondents to conduct the Constitution Day on 26.11.2024. Thereafter, a circular dated 25.11.2024 vide Annexure-C came to be circulated by the Principal Secretary, DPAR for organizing the Constitutional Day function on 26.11.2024 in the Office of the respondent No.1. However, on the Constitutional Day function, which was held on 26.11.2024 in the Office of the respondent No.1, the portraits of Mahatma Gandhiji and Dr.B.R.Ambedkar was not placed. Thereafter, a complaint came to be lodged on 03.12.2024 vide Annexure-D by the employees of the respondent No.1, Council, regarding non-placing of the portrait of Dr.B.R.Ambedkar on the Constitution Day function held on 26.11.2024. The respondent No.1 by exercising the power under Rule 10(1)(d) of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, (for short 'the Rules') by impugned order dated 04.07.2025 has kept the petitioner under suspension. Being aggrieved by the said order, the petitioner is before this Court.



3. The learned counsel for the petitioner submitted that the petitioner is not the authority either to organize or to oversee the function, and she has not directed the other officers not to keep the portrait of Dr.B.R.Ambedkar at the Constitution Day function and she also has not deliberately placed the portrait of Dr.B.R.Ambedkar on the Constitutional Day function held on 26.11.2024 in the office of the respondent No.1, Council. He contended that on a complaint lodged by the employees of respondent No.1, Council on 03.12.2024 vide Annexure-D, notice dated 12.02.2025 has been issued to the petitioner vide Annexure-E. The petitioner has given reply to the notice on 04.03.2025 vide Annexure-G stating that she has not intentionally placed the portrait of Dr.B.R.Ambedkar in the function held on 26.11.2024 and she has also stated that other employees, who have also received the circular are equally responsible, but the action has been taken only against her. The learned counsel contended that the incident occurred on 26.11.2024, the complaint has been



lodged on 03.12.2024, notice has been issued to the petitioner on 12.02.2025, the petitioner has given reply on 04.03.2025 and the impugned order has been passed on 04.07.2025 i.e., after 7 months from the date of incident. He further contended that even if the charges against the petitioner are proved, the competent authority can impose minor penalties. The employee can be kept under suspension only if there is a strong prima facie case against the delinquent employee, if proved, it would result in reduction of rank, removal or dismissal from service. He further contended that now the charge memo has been issued and the petitioner will co-operate for the departmental enquiry. In support of his case, he has relied upon the decision of the Apex Court in the case of **Union of India and Another v. Ashok Kumar Aggarwal** reported in **(2013) 16 SCC 147** and in the case of **M.Paul Anthony v. Bharat Gold Mines Ltd. and Another** reported in **(1999) 3 SCC 679**.



4. The learned Additional Advocate General appearing for the respondents-State submits that the petitioner is the head of the Administration Section. As per the Circular dated 08.07.2024 at Annexure-R1 issued by the Under Secretary, DPAR, it is very clear that on the Constitution Day function to be celebrated on 26.11.2024, both the portraits of Mahatma Gandhiji and Dr.B.R.Ambedkar have to be placed. The petitioner has received the circular dated 08.07.2024 and she is aware of the fact that the portraits of Mahatma Gandhiji and Dr.B.R.Ambedkar have to be placed in the function. In spite of that, she has not placed the photos. This amounts to dereliction of duty. It is prima facie made out that she has disobeyed the circular issued by the Secretary. Hence, the authority by exercising the power under Rule 10(1)(d) of Rules has kept the petitioner under suspension. He further contended that the petitioner has not denied the fact that she has not received the circular to say that she is not aware that the portraits of Mahatma Gandhiji and Dr.B.R.Ambedkar have to be placed



in the function held on 26.11.2024. Since she has admitted and when there is a prima facie evidence to support the charges, the authority can invoke the provisions under Rule 10(1)(d) of the Rules and accordingly, the petitioner has been kept under suspension. He further contended that the petitioner has received the circular and was aware that portraits of Mahatma Gandhiji and Dr.B.R.Ambedkar have to be kept in the function. By pleading that she has not received any circular, she is suppressing the facts. On that ground alone, the writ petition is liable to be dismissed. In support of his contention, he has relied upon the decision of the Apex Court in the case of **Ramjas Foundation and another v. Union of India and Others** reported in **(2010) 14 SCC 38**.

5. Heard the learned counsel for the parties. Perused the writ papers.



6. It is not in dispute that the petitioner is working as Deputy Secretary in respondent No.1, Council. The Under Secretary, DPAR, had issued circular dated 08.07.2024 at Annexure-R1 intimating all the Departments that on the Constitution Day function, portraits of Mahatma Gandhiji and Dr.B.R.Ambedkar have to be placed in the function. The Circular dated 08.07.2024 had been circulated to all the Departments and even the petitioner has received the same. On the Constitution Day, which was held on 26.11.2024 at the office of respondent No.1, neither of the photos was placed in the function. On 03.12.2024, the employees of respondent No.1, Council have given a complaint stating that on the Constitution Day function held on 26.11.2024 in the office of respondent No.1, the portrait of Dr.B.R.Ambedkar has not been placed in the function. After 2 months from the date of complaint, on 12.02.2025, notice has been issued to the petitioner. The petitioner has submitted the reply on 04.03.2025 stating that the petitioner is not the authority either to organize or



to oversee the function, and she has not directed the other officers not to keep the portrait of Dr.B.R.Ambedkar at the Constitution Day function and she also has not intentionally placed the portraits of Mahatma Gandhiji and Dr.B.R.Ambedkar in the function. She further stated that there were other officers, who are also responsible, namely, Hanumantharayappa- reporter, Mr.Narasappa-Junior Assistant, Smt.Jyothi-Section Officer, Smt.Anasuyamma-Under Secretary and Smt.Nirmala-Secretary. The petitioner has submitted the reply on 04.03.2025 and the impugned suspension order has been passed on 04.07.2025 i.e., after lapse of 4 months from the date of reply submitted by the petitioner.

7. The issue as to whether the petitioner is responsible for not placing the portrait of Dr. B.R. Ambedkar during the Constitution Day function held on 26.11.2024 in the office of Respondent No.1 – Council, and whether the petitioner alone is responsible for the same, is a matter that requires to be decided by conducting an enquiry.



8. The allegation against the petitioner is that she failed to place the portrait of Dr. B.R. Ambedkar during the Constitution Day function held on 26.11.2024. Considering the nature of the charge, it cannot be reasonably concluded that the petitioner is likely to tamper with any witness or influence the course of the departmental enquiry. The Apex Court in the case of **Ashok Kumar Aggarwal** (supra) in paragraphs 21 and 22 has held as follows:

"21. The power of suspension should not be exercised in an arbitrary manner and without any reasonable ground or as vindictive misuse of power. Suspension should be made only in a case where there is a strong prima facie case against the delinquent employee and the allegations involving moral turpitude, grave misconduct or indiscipline or refusal to carry out the orders of superior authority are there, or there is a strong prima facie case against him, if proved, would ordinarily result in reduction in rank, removal or dismissal from service. The authority should also take into account all the available material as to whether in a given case, it is



advisable to allow the delinquent to continue to perform his duties in the office or his retention in office is likely to hamper or frustrate the inquiry.

22. In view of the above, the law on the issue can be summarised to the effect that suspension order can be passed by the competent authority considering the gravity of the alleged misconduct i.e. serious act of omission or commission and the nature of evidence available. It cannot be actuated by mala fide, arbitrariness, or for ulterior purpose. Effect on public interest due to the employee's continuation in office is also a relevant and determining factor. The facts of each case have to be taken into consideration as no formula of universal application can be laid down in this regard. However, suspension order should be passed only where there is a strong prima facie case against the delinquent, and if the charges stand proved, would ordinarily warrant imposition of major punishment i.e. removal or dismissal from service, or reduction in rank etc.

9. In view of the decision of the Hon'ble Apex Court referred to above, and considering that the suspension order was issued after a lapse of seven months from the



date of the incident, coupled with the fact that a departmental enquiry has already been initiated against the petitioner, continued suspension of the petitioner would serve no useful purpose. Furthermore, having regard to the nature of the charge, there appears to be no likelihood of the petitioner tampering with any records.

10. Learned Additional Advocate General submits that as per the Rules, if there is a prima facie case against an employee, that itself is enough to keep the employee under suspension. The Apex Court in the case of Ashok Kumar Aggarwal (supra) has held that there must be a strong prima facie case against an employee and if proved, it results in reduction of rank or removal from service and such employee can be kept under suspension. Learned Additional Advocate General further submits that the petitioner has not made any statement or pleading that she has received the circular dated 08.07.2024 or not, since the petitioner has suppressed the material fact from this Court.



11. The petitioner has not denied that she has not received the circular. The only contention of the petitioner is that she is not the authority either to organize or to oversee the function, and she has not intentionally placed the portraits of Mahatma Gandhiji and Dr.B.R.Ambedkar in the Constitution Day function held on 26.11.2024. This responsibility does not rest solely on the petitioner; rather, it is equally incumbent upon the other employees present at the event to ensure compliance with the instructions outlined in the circular. Therefore, the judgment relied upon by the State is not applicable to the facts of the case.

12. This Court while granting the interim order on 08.07.2025 has made it clear that the interim order will not come in the way of the competent authority to initiate departmental enquiry against the petitioner, in accordance with law.

13. Now that the departmental enquiry has been initiated against the petitioner, at this stage, the respondents may



be directed to conclude the enquiry, in accordance with law.

14. Accordingly, the following order is passed:

ORDER

- a) The writ petition is allowed.
- b) The suspension order dated 04.07.2025 passed by the respondent No.2 vide Annexure-A is set aside.
- c) The respondents are directed to conclude the department enquiry against the petitioner, in accordance with law.
- d) It is made clear that any observation made in this order will not come in the way of respondents conducting the departmental enquiry against the petitioner.

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**

DM
LIST NO.: 1 SL NO.: 23