

Reserved on : 29.08.2026
Pronounced on : 21.09.2026



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 11992 OF 2026

C/W

CRIMINAL PETITION NO. 11362 OF 2026

CRIMINAL PETITION NO. 11874 OF 2026

WRIT PETITION NO. 22184 OF 2026 (GM-RES)

WRIT PETITION NO. 23448 OF 2026 (GM-RES)

IN CRL.P No. 11992/2026

BETWEEN:

1. MR. RAJ MOHAMMED
C/O. MOHAMMED IBRAHIM,
AGED ABOUT 29 YEARS,
RESIDING AT NO. 3-4-92,
NEAR SHAH ALI MIRZA
MASJID, ASAR MOHALLA,
YADGIRI DISTRICT - 585 201.
2. MR. BASAVARAJ VADARI
S/O. SANGAPPA,
AGED ABOUT 32 YEARS,
RESIDING AT NO. 581,
NEAR PYATE TEMPLE,



KODEKAL, YADGIRI DISTRICT,
YADGIRI - 585 237.

3. MR. MAHENDRA KUMAR HOSAHALLI
S/O. BETADAPPA HOSALLI,
AGED ABOUT 26 YEARS
RESIDING AT NO. 389,
HITNAL MAIN ROAD,
1ST WARD, BEVINHALLI
KOPPAL, KARNATAKA - 583 234.

...PETITIONERS

(BY SRI AJIT P.B., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY
VIDHANA SOUDHA POLICE STATION,
VIDHANA SOUDHA,
BENGALURU - 560 001
REPRESENTED BY HCGP
HIGH COURT BUILDING,
BENGALURU - 560 001.
2. DR. MANJUNATHA
S/O. LATE SHIVALINGAIAH C.D.,
AGED ABOUT 30 YEARS
RESIDENT OF BIDARE VILLAGE,
BAGUR HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN, KARNATAKA - 573 111.

...RESPONDENTS

(BY SRI B.N.JAGADEESHA, SPP-I FOR R-1)

THIS CRL.P FILED U/S 528 OF BNSS PRAYING TO QUASH THE FIR DATED 24.07.2026 ARISING OUT OF CR.NO.89/2026, FILED BY THE 1ST RESPONDENT (VIDHANA SOUDHA P.S.) AND PENDING ON THE FILE OF THE LV ACJM, BENGALURU CITY, AGAINST THE PRESENT PETITIONER(SL.NO.1, 10, AND 16 IN ACCUSED NOS.4) ONLY FOR THE OFFENCE P/U/S 318(3) OF BNS 2023 AND SEC. 10 OF THE KARNATAKA PUBLIC EXAMINATION (MEASURES FOR PREVENTION OF CORRUPTION AND UNFAIR MEANS IN RECRUITMENT) ACT, 2023 AS PER ANNEXURE-A.

IN CRL.P NO. 11362/2026

BETWEEN:

1. MR.KIRAN GOWDA B.S.,
S/O SHANKARLINGEGOWDA,
AGED ABOUT 29 YEARS
RESIDING BAGUR HOBLI,
BYADARAHALLI.
CHANNARAYAPATNA,
HASSAN, KARNATAKA - 573 116.

...PETITIONER

(BY SRI AJIT P.B., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY
VIDHANA SOUDHA POLICE STATION.
VIDHANA SOUDHA,
BENGALURU 560 001
REPRESENTED BY SPP
HIGH COURT BUILDING.
BENGALURU - 560 001.

2. DR. MANJUNATHA
S/O LATE SHIVALINGAIAH C D
AGED ABOUT 30 YEARS
RESIDENT OF BIDARE VILLAGE.
BAGUR HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN, KARNATAKA - 573 111.

...RESPONDENTS

(BY SRI B.N.JAGADEESHA, SPP-I FOR R-1)

THIS CRL.P IS FILED U/S 528 OF BNSS PRAYING TO QUASH THE FIR DATED 24.07.2026 ARISING OUT OF CR.NO.89/2026 FILED BY THE 1ST RESPONDENT (VIDHANA SOUDHA P.S) AND PENDING ON THE FILE OF THE LV ACJM, BENGALURU CITY, AGAINST THE PRESENT PETITIONER (SL.NO.9 IN ACCUSED NO.4) ONLY FOR THE OFFENCE P/U/S 318(3) OF THE BNS, 2023 AND SEC. 10 OF THE KARNATAKA PUBLIC EXAMINATION (MEASURES FOR PREVENTION OF CORRUPTION AND UNFAIR MEANS IN RECRUITMENT) ACT, 2023 AS PER ANNEXURE-A.

IN CRL.P NO. 11874/2026

BETWEEN:

1. LOKESH K R
S/O A.RAMAKRISHNAPPA
AGED ABOUT 27 YEARS,
RESIDING AT JEEVA JALA ROAD
VIDYANAGAR, KAREKALLAHALLI
GAURIBIDANURU,
CHIKKABALLAPURA - 561 208
OCC.: VETERINARY DOCTOR

2. HARISH M SIRSI
S/O MAHADEVAPPA
AGED ABOUT 26 YEARS,
RESIDING AT SATENAHALLI, HANGAL
HAVERI - 581 104
OCC.: VETERINARY DOCTOR.
3. MANU K. T.
S/O THAMMAIAH K.,
AGED ABOUT 26 YEARS,
RESIDING AT 101, KARADIHALLI
KALLUSADARAHALLI POST
ARSIKERE TALUK,
HASSAN DISTRICT - 573 144
OCC.: VETERINARY DOCTOR.
4. SUHAS R.,
S/O RAJASHEKAR M.B.,
AGED ABOUT 27 YEARS,
RESIDING AT MARUGONDANAHALLI,
TIPTUR TALUK, VIGNASANTHE,
TUMAKURU - 572 224
OCC.:VETERINARY DOCTOR.
5. VINAYAKA C. A.,
S/O CHIKKAPPA
AGED ABOUT 27 YEARS,
RESIDING AT NO.10A, VIDYA NAGAR,
AMBEDKAR ROAD RANEBENNUR,
HAVERI - 581 115
OCC.: VETERINARY DOCTOR.
6. MANJUNATHA. C.R,

S/O RUDRAPPA C.S,
AGED ABOUT 26 YEARS,
RESIDING AT ANABERU,
DAVANAGERE - 577 534
OCC.: VETERINARY DOCTOR.

7. CHETHAN G.R.,
S/O RAVISHANKAR G.B.,
AGED ABOUT 29 YEARS,
RESIDING AT 1ST BLOCK,
GANDHANAHALLI VILLAGE,
HOSA AGRAHARA HOBLI,
K.R NAGARA TALUK,
MYSURU - 571 603
OCC.: VETERINARY DOCTOR.

...PETITIONERS

(BY SRI RAJATH., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY VIDHANA SOUDHA P.S,
BENGALURU
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA AT BENGALURU,
AMBEDKAR VEEDHI,
BENGALURU - 01.
2. DR.MANJUNATHA,
S/O LATE SHIVALINGAIAH C.D,
AGED ABOUT 30 YEARS,

OCC.: VETERINARY DOCTOR,
RESIDING AT BIDARE VILLAGE,
BAGARU HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN - 573 111.

...RESPONDENTS

(BY SRI B.N.JAGADEESHA, SPP-I FOR R-1)

THIS CRL.P FILED U/S.528 OF BNSS PRAYING TO QUASH THE FIR IN CRIME NO.89/2026 REGISTERED BY THE RESPONDENT NO.1 VIDHANA SOUDHA P.S., FOR THE OFFENCE P/U/S 318(3) OF BNS AND SEC.10 OF THE KARNATAKA PUBLIC EXAMINATION (MEASURES FOR PREVENTION OF CORRUPTION AND UNFAIR MEANS IN RECRUITMENT ACT, 2023) PENDING BEFORE THE Ld. LV ADDL. CJM BENGALURU CITY AS AGAINST THE PETITIONERS HEREIN.

IN WP NO. 22184/2026

BETWEEN:

1. SRI BASANAGOUDA R. PATIL (YATNAL)
S/O RAMANAGOUDA B. PATIL,
AGED ABOUT 64 YEARS,
MEMBER OF LEGISLATIVE ASSEMBLY,
VIJAYAPURA CITY CONSTITUENCY,
RESIDING AT OLD IB, STATION ROAD,
VIJAYAPURA, KARNATAKA - 586 101.
2. ALL KARNATAKA STATE STUDENTS ASSOCIATION (R)
REGISTERED UNDER KARNATAKA SOCIETIES
REGISTRATION ACT, 1960
REPRESENTED BY ITS PRESIDENT,

SRI KANTHA KUMAR R (SHRIKANTH)
S/O RAJANNA,
AGED ABOUT 35 YEARS,
RESIDING AT NO.538, 8TH MAIN,
4TH CROSS, HAMPI NAGAR, 2ND STAGE,
VIJAYANAGAR, BENGALURU - 560 040.

...PETITIONERS

(BY SRI GIRISH BHARADWAJ, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
CHIEF SECRETARY,
HOME DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU - 560 001.
2. CENTRAL BUREAU OF INVESTIGATION
NO.36, BELLARY ROAD,
GANGANAGAR
BENGALURU - 560 032
REPRESENTED BY ITS
SUPERINTENDENT OF POLICE.
3. THE STATION HOUSE OFFICER
VIDHANA SOUDHA POLICE STATION,
BENGALURU CITY - 560 001
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI B.N.JAGADEESHA, SPP-I FOR R-1 AND R-3;

SRI P.PRASANNA KUMAR, ADVOCATE FOR R-2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 528 AND 529 OF BNSS, 2023, PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION, DIRECTING THAT THE INVESTIGATION OF FIR NO. 78/2026 OF VIDHANA SOUDHA POLICE STATION DATED 10.07.2026 REGISTERED FOR THE OFFENCE PUNISHABLE UNDER SECTION 336(2), 336(3) AND 340(2) OF BNS, 2023 AS PER ANNEXURE-H. AND THE COMPLAINT OF PETITIONER NO. 1 DATED 16-07-2026 AS PER ANNEXURE-L, BE TRANSFERRED TO AND CONDUCTED BY RESPONDENT NO. 2, THE CENTRAL BUREAU OF INVESTIGATION, WHICH SHALL REGISTER THE NECESSARY FIRST INFORMATION REPORTS AND INVESTIGATE THE ENTIRE CONSPIRACY RELATING TO RECRUITMENTS CONDUCTED BY THE KARNATAKA PUBLIC SERVICE COMMISSION, INCLUDING THE INDUSTRIAL EXTENSION OFFICER RECRUITMENT PURSUANT TO THE NOTIFICATION DATED 15-03-2024 AND THE GAZETTED PROBATIONERS RECRUITMENT PURSUANT TO NOTIFICATION NO. PSC 509 E(1)/2023-24 AND FILE APPROPRIATE FINAL REPORTS BEFORE THE JURISDICTIONAL COURT, IN THE INTEREST OF JUSTICE AND EQUITY; (B) DIRECT JURISDICTIONAL COURT TO EXPEDITE THE PROCEEDINGS UPON FILING OF FINAL REPORT IN CRIME NO. 78/2026 DATED 10.07.2026 FILED BY RESPONDENT NO 2, PRODUCED AT ANNEXURE-H, IN THE INTEREST OF JUSTICE; (C) TO MONITOR THE INVESTIGATION TO BE CONDUCTED BY THE RESPONDENT NO 2 IN CRIME NO 78/2026 PERIODICALLY BY THIS HON'BLE HIGH COURT UNDER ITS SUPERVISORY POWER

AS ENUMERATED UNDER SECTION 529 OF BNSS 2023 IN
THE INTEREST OF JUSTICE.

IN WP NO. 23448/2026

BETWEEN:

1. DR. MANJUNATH
S/O LATE SHIVALINGAIAH C.D.,
AGED ABOUT 30 YEARS,
OCC.:VETERINARY DOCTOR
BIDARE VILLAGE, BAGUR HOBLI,
CHANNARAYAPATNA TALUKA
HASSAN - 573 111.

...PETITIONER

(BY SRI VENKATESH P. DALWAI, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
CHIEF SECRETARY,
HOME DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU - 560 001.
2. CENTRAL BUREAU OF INVESTIGATION,
NO.36, BELLARY ROAD,
GANGANAGAR,
BENGALURU - 560 032,
REPRESENTED BY ITS
SUPERINTENDENT OF POLICE..
3. THE STATION HOUSE OFFICER,
VIDHANA SOUDHA POLICE STATION,

BENGALURU CITY - 560 001,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

4. THE CRIME INVESTIGATION DEPARTMENT (CID)
CARLTON HOUSE,
BENGALURU - 560 001
REPRESENTED BY ADGP

...RESPONDENTS

(BY SRI B.N.JAGADEESHA, SPP -I FOR R-1, R-3 AND R-4;
SRI P.PRASANNA KUMAR, ADVOCATE FOR R-2;
SRI PRITHVEESH M.K., ADVOCATE FOR IMPEADING
APPLICANTS R-5 TO R-10 IN I.A.NO.2/2026 AND
I.A.NO.3/2026)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 READ WITH SECTION 528 AND 529 OF BNSS, 2023 PRAYING TO DIRECTING R1 THAT THE INVESTIGATION OF FIR DATED 24.07.2026 IN CRIME NO 89/2026 ON THE FILE OF LV.ADDL.CHIEF JUDICIAL MAGISTRATE, BENGALURU CITY REGISTERED BY VIDAN SOUDHA POLICE STATION FOR THE OFFENCE PUNISHABLE UNDER SECTION 318(2) OF BNS, 2023 AND SECTION 10 OF KARNATAKA PUBLIC EXAMINATION (MEASURES FOR PREVENTION OF CORRUPTION AND UNFAIR MEANS IN RECRUITMENT) ACT, 2023 AS PER ANNEXURE-B, BE TRANSFERRED TO RESPONDENT NO. 2 FOR EXPEDITIOUS INVESTIGATION AND FILE APPROPRIATE FINAL REPORTS BEFORE THE JURISDICTIONAL COURT, IN THE INTEREST OF JUSTICE AND EQUITY; (B) DIRECT JURISDICTIONAL

COURT TO EXPEDITE THE PROCEEDINGS UPON FILING OF FINAL REPORT IN FIR NO. 89/2026 DATED 24.07.2026 FILED BY RESPONDENT NO 2, AS PER ANNEXURE-B, IN THE INTEREST OF JUSTICE; (C) TO MONITOR THE INVESTIGATION TO BE CONDUCTED BY THE RESPONDENT NO 2 IN CRIME NO 89/2026 PERIODICALLY BY THIS HON'BLE HIGH COURT UNDER ITS SUPERVISORY POWER AS ENUMERATED UNDER SECTION 529 OF BNSS 2023 IN THE INTEREST OF JUSTICE.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 29.08.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

CAV ORDER

Conglomeration of these cases relate to recruitments in the Karnataka Public Service Commission ('the Commission' for short) to the posts of Veterinary doctors and several other posts notified by the Commission for the purpose of recruitment to the respective posts. Since petitions with different prayers have their fulcrum to recruitments to posts advertised by the Commission, they are taken up together and considered by this common order.

Writ Petition No.23448 of 2026:

2. The petitioner in the subject petition, a practicing veterinary doctor at Channarayapatna Taluk is the complainant along with 24 other aggrieved candidates, registers a complaint which becomes a crime in Crime No.89 of 2026 before the Vidhana Soudha Police Station, Bengaluru for offences punishable under Section 318(2) of the BNS and Section 10 of the Karnataka Public Examination (Measures for Prevention of Corruption and Unfair Means in Recruitment) Act, 2023 arising out of recruitments to 400 posts of Veterinary Officers to be filled up in the Department of Animal Husbandry and Fisheries. After registration of the complaint, the petitioner owing to the past experience of the State in investigating the offences of bribery driven manipulation to the recruitments carried out by the Commission is before the Court seeking a direction for transfer of the entire investigation to the hands of the Central Bureau of Investigation ('CBI' for short) to stop organized bribery driven recruitments in the Commission.

Writ Petition No.22184 of 2026:

3. The 1st petitioner in the subject petition is a political representative, a Member of Legislative Assembly of Vijayapura City Constituency and the 2nd petitioner is the All Karnataka State Students Association. The petitioners bring out the entire spectrum of recruitments done by the Commission which were marred by allegations of large-scale errors and corruption in the past with particular reference to the act of the Chairman of the Commission in bringing in two of his daughters into the select list contrary to law. This complaint is registered before the jurisdictional Police which becomes a crime in Crime No.78 of 2026. As observed hereinabove, quoting instances of investigation not being done where it would inspire public confidence, the petitioners seek transfer of investigation to the hands of the CBI. Therefore, this and the earlier mentioned petition seek transfer of investigation to the hands of the CBI or any other investigating agency that this Court would deem fit to constitute.

Criminal Petition No.11992 of 2026:

4. The petitioners in this petition call in question crime in Crime No.89 of 2026 registered by the 2nd respondent/complainant, a participant and an unsuccessful candidate to the post of Veterinary Officer. The three petitioners in the subject petition participated in the competitive examination conducted by the Commission for the posts of Veterinary Officers. They are found to be successful and included in the eligibility list after which a provisional select list was also notified where the petitioners secured marks more than the 2nd respondent and the Commission notifies a final select list confirming the selection of the petitioners for the posts of Veterinary Officers. On registration of the crime in Crime No.89 of 2026, the final select list is now relegated to cold storage. Therefore, the petitioners are before the Court seeking quashment of crime in Crime No.89 of 2026 insofar as they are concerned.

Criminal Petition No.11362 of 2026:

5. This petition is also filed by a selected candidate whose name was found in the select list. Therefore, separate facts in the case at hand need not be narrated, except the fact that he is also one of the accused in Crime No.89 of 2026.

Criminal Petition No.11874 of 2026:

6. The petition is preferred by the other selected candidates/ petitioners 1 to 7, co-accused in Crime No.89 of 2026. Therefore, the facts leading to filing of the present petition as in the other petitions remain the same. The complainant in this case and Criminal Petition Nos.11992 of 2026 and 11362 of 2026 are one and the same and the prayer remains the same. Therefore, they need not be dealt with separately in view of the details noticed hereinabove.

7. Heard Sri Venkatesh P.Dalwai, learned counsel appearing for the petitioner in Writ Petition No.23448 of 2026; Sri Girish Bharadwaj, learned counsel appearing for the petitioners in Writ

Petition No.22184 of 2026; Sri P.B. Ajit, learned counsel appearing for the petitioners in Criminal Petition Nos. 11992 of 2026 and 11362 of 2026, Sri Rajath, learned counsel appearing for the petitioners in Criminal Petition No.11874 of 2026; Sri B.N. Jagadeesha, learned State Public Prosecutor-1 appearing for respondent Nos.1 and 3 in the writ petitions and respondent No.1 in criminal petitions and Sri P.Prasanna Kumar, learned counsel appearing for respondent No.2 in the writ petitions.

SUBMISSIONS:

PETITIONERS:

8.1. The learned counsel Sri **Venkatesh P.Dalwai** and Sri **Girish Bharadwaj** appearing for the petitioners in the two writ petitions filed would take this Court through the documents appended to the petitions, the past history of the Commission and the investigation conducted by the State for each of the allegations that cropped up at every stage and seek transfer of investigation to the hands of the CBI or any independent investigating agency at the discretion of the Court. It is their apprehension that the Crime

Investigation Department ('CID' for short) to whom the case of Veterinary Doctors is handed over would do a shoddy investigation and leave the culprits off the hook. Therefore, they would seek transfer of the investigation to an independent agency.

8.2. Insofar as the petition preferred by the political representative is concerned, the learned counsel Sri **Girish Bharadwaj** appearing for the petitioners therein would trace the entire history to the recruitments in the Commission and would seek the prayer that is sought for. The learned counsel Sri **Venkatesh P Dalwai** and Sri **Girish Bharadwaj** in the writ petitions would in unison seek the prayer of such transfer. They would take this Court through the respective averments in the petitions to prima facie demonstrate the need of this Court's intervention for transfer of the investigation to the hands of the independent investigating agency.

8.3. The leaned counsel representing the petitioners in the criminal petitions who call in question the crime so registered would vehemently contend that they are not at fault. If there is blame

with the recruitments, they cannot be made scapegoats, as they are high in ranking. Therefore, the crime registered against them, the selected candidates, by the unsuccessful candidate, is only an abuse of the process of law and permitting an investigation would result in miscarriage of justice.

THE STATE:

9.1. *Contrariwise*, the learned State Public Prosecutor Sri **B.N. Jagadeesha** appearing for the State and its authorities would put up vehement opposition to the two writ petitions seeking transfer of investigation to the hands of the CBI. He would contend that transfer of investigation to the CBI in every case is not a panacea to all the ills. The CID has conducted investigation in the past and has brought the culprits to book. He would submit that the CID has now taken over the investigation and the investigation is going on in a right direction and would assure this Court that if this Court would monitor the investigation conducted by the CID, it would protect the interest of the petitioners. According to him, transfer to any other investigating agency, much less the CBI,

would not solve the problem and would bring down the morale of the forces in the State of Karnataka. He would seek to place reliance upon certain judgments of the Apex Court and that of this Court, to buttress his submission that transfer of the investigation to CBI at all times must not be resorted to by the constitutional Courts.

9.2. Insofar as other petitions are concerned, the learned State Public Prosecutor would submit that it is a decision to put further proceedings on hold *qua* the final select list owing to the circumstances that are now prevailing and the investigation that is now pending. He would seek dismissal of those petitions which call in question Crime No.89 of 2026 while seeking dismissal of other two writ petitions as well, but submitting that this Court can monitor the investigation.

10. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record. In furtherance whereof, the following issue would arise for my consideration:

THE ISSUE:

"When the Constitutional gateway to public employment itself comes under a cloud, who should investigate whether merit has been made its casualty - the State Machinery or an independent Investigating Agency?"

CONSIDERATION:

THE COMMISSION - THE CONSTITUTIONAL GATEWAY TO PUBLIC EMPLOYMENT:

11. The Commission traces its institutional ancestry to the Central Recruitment Board constituted on 16-05-1921. With the advent of the Constitution of India, it acquired its present constitutional character under Article 315 and came to be constituted in its present form on 18-05-1951, read with the Public Service Commission Regulations, 1950. For over seven decades thereafter, the Commission has stood as the constitutional gateway to public service in the State of Karnataka - a gateway through which scores and scores of aspirants seek entry into the service of

the State on the assurance of equality of opportunity solemnly guaranteed under Articles 14 and 16 of the Constitution of India.

12. Articles 316 and 317 deal with the composition of the Commission and matters incidental thereto. Article 320 clothes the Commission with, *inter alia*, the responsibility of conducting examinations for appointments to the services of the State and mandates consultation with it on matters concerning methods of recruitment and the principles governing appointments. **This, in broad contour, is the constitutional architecture within which the Commission functions. The power entrusted to it is, therefore, no ordinary administrative power. It carries with it a corresponding constitutional trust - the trust of every aspirant that merit will not be bartered, manipulated or sacrificed at the altar of influence, favouritism or corruption.**

THE TROUBLED HISTORY OF KPSC RECRUITMENTS:

13. Recruitments to several posts have been undertaken by the Commission during the last 75 years. The march of those

recruitments, however, has not always been free from blemish. The first deep scar, as the records would reveal, emerged from the recruitments of the years 1998, 1999 and 2004. Those selections became the subject matter of Writ Petition No.11550 of 2008 before this Court, where unsuccessful candidates sought a writ in the nature of mandamus for a thorough investigation by the Central Bureau of Investigation. Several other petitions followed. A Committee came to be constituted and, upon receipt of its report, investigation was entrusted to the State CID. That, in turn, became the subject matter of Writ Petition No.27674 of 2012.

14. A Division Bench of this Court, by its judgment dated 21-06-2016, held that the procedure adopted by the Commission in the selections of 1998, 1999 and 2004 was unconstitutional and contrary to the Rules and Government Orders. On what it described as unimpeachable evidence, the Division Bench recorded findings indicative of systemic fraud in the functioning of the Commission. The selection before it was described, in telling terms, as one **“conceived in fraud and delivered in deceit.”** Thus surfaced the

first serious judicially noticed blush of fraud in recruitment at the hands of the Commission.

15. The spectre did not disappear there. It resurfaced in the recruitment of the year 2011 concerning 362 posts of Gazetted Probationers. The State CID submitted a report seeking permission to file charge-sheets against eight persons, including the then Chairman of the Commission and a sitting Member, on allegations which included manipulation of interview marks and demands for bribes running into tens of lakhs of rupees. Recruitment undertaken in the year 2015 also travelled to this Court, with a prayer for investigation by a Central Agency.

16. Then comes the recruitment pursuant to the notification dated 26-02-2024 inviting applications to 384 posts of Gazetted Probationers. Approximately 2.10 lakh aspirants participated in the process. That recruitment too has now fallen under a cloud of serious allegations. The 2nd petitioner in Writ Petition No.22184 of 2026, the President of the All Karnataka State Students' Association, submitted a detailed representation to the Secretariat of the Governor of Karnataka, placing before it, the allegations

concerning the recruitment and seeking entrustment of investigation to the 2nd respondent/CBI or to any other independent investigating agency.

17. These are not narrated as isolated historical anecdotes. They constitute a disturbing continuum in which recruitments conducted by a constitutional body have, from time to time, been confronted with allegations of irregularity, manipulation and corruption. The instances referred to hereinabove may be tabulated thus:

KPSC SCAMS TABLE

PERIOD	RECRUITMENT/ EXAMINATION	NATURE OF ALLEGATIONS/ IRREGULARITIES	SUBSEQUENT PROCEEDINGS
1995– 1997	Gazetted Probationers - Group-A & Group-B Recruitment	Allegations of manipulation of viva-voce marks and favouritism in the selection process.	CID conducted an examination of historical KPSC recruitments, identified irregularities in the interview process and recommended safeguards against manipulation of viva marks. Reforms were recommended to the selection process.

1998–2001	Gazetted Probationers – 415 posts – Selection to Group-A & Group-B Gazetted Probationer posts.	Allegations of favouritism, manipulation of answer scripts, irregular moderation and preferential treatment in personality tests.	The Karnataka Administrative Tribunal ordered fresh evaluation. The matter reached the Apex Court on allegations concerning alleged favouritism in the selection process.
1999	Gazetted Probationers – 1999 batch – Recruitment to Group-A & Group-B Gazetted Probationer posts.	Alleged irregularities in evaluation and post-evaluation, including manipulation of marks and irregularities in the preparation of the final selection.	This Court examined the legality of the KPSC evaluation/post-evaluation process in various cases arising from the recruitment examinations.
2004	Gazetted Probationers – 2004 batch – Recruitment to Group-A & Group-B Gazetted Probationer posts.	Alleged irregularities in preparation of candidate lists, written examination and personality-test selection, along with broader allegations of manipulation.	The 2004 recruitment was subsequently examined along with the 1998 and 1999 batches pursuant to the directions of this Court for CID investigation.
2011	Gazetted Probationers – 362 posts – Selection to 162 Group-A and 200 Group-B posts, including Assistant Commissioner, Dy. SP, Tahsildar and	Allegations of cash-for-posts, with candidates allegedly paying money for favourable interview marks and selection to coveted posts.	CID investigation and criminal proceedings were initiated against the KPSC officials. The Karnataka Government subsequently scrapped the 2011 selection list and ordered fresh

	other State posts.		selection.
2014	Gazetted Probationers Mains Examination – Main examination for Gazetted Probationer recruitment.	Wrong question papers were distributed at an examination centre and candidates received papers intended for examinations scheduled on later dates.	KPSC acknowledged the examination lapse, raising concerns regarding security of examination and administration.
2021	First Division Assistant (FDA) Recruitment Examination – Recruitment to First Division Assistant posts in State Government departments.	Question paper was leaked before the examination. Confidential examination material was allegedly obtained and sold to candidates.	Investigation by the CCB resulted in several arrests. The examination scheduled in January, 2021 was cancelled/postponed and subsequently rescheduled.
2024–2026	KAS / Gazetted Probationers – 384 posts – Recruitment to Karnataka Administrative Service posts.	Allegations of irregularities in the interview and selection process, including alleged improper contact between a member of the KPSC and a candidate.	CID investigation and criminal proceedings were initiated concerning KPSC member one Dr. Shantha Hosamani followed by related court proceedings.
2024–2026	Industrial Extension Officer – 50 posts – Recruitment to Industrial Extension Officer posts.	False income certificates were allegedly used to obtain appointment under the OBC category.	An FIR was registered and criminal proceedings were initiated against the candidates and revenue officials involved in issuing the false income

			certificates.
January 2026	Veterinary Officer – 400 posts – Recruitment of Veterinary Officers in the Animal Husbandry & Fisheries Department.	Allegations of question-paper leakage, payment for selection, involvement of middlemen and OMR-sheet manipulation. Certain candidates were allegedly provided the question paper before the examination and were assisted in preparing answers.	Two FIRs were registered which were transferred to the CID. The investigation examined candidates, middlemen, KPSC officials, the OMR sheets, digital evidence and financial transactions. Former Controller of Examinations Gyanendra Kumar Gangwar and alleged middleman Basavaraj Kannale were arrested.

The material presents a **chronological account of recurring allegations concerning recruitment processes conducted by the Karnataka Public Service Commission (KPSC)**. Its significance lies less in establishing that every allegation ultimately resulted in proof of criminality, and more in demonstrating that, over different periods, KPSC recruitments have repeatedly attracted allegations of manipulation, favouritism, irregular evaluation, misuse of reservation benefits and compromised examination integrity.

18.1. The **1998–99 Gazetted Probationers recruitment** represents the oldest episode referred to. The allegation was that the selection process had been manipulated and that candidates had obtained selection on the strength of false documents. The matter travelled beyond administrative scrutiny into a CID investigation and criminal prosecution against the then Chairman, Dr. H.N. Krishna, and others. Its ultimate outcome is equally important: **all the accused were acquitted in April 2026**, the prosecution having failed to establish the charges. Therefore, this episode can legitimately be referred to as a serious recruitment controversy resulting in prosecution, but **not as an established instance of recruitment fraud**.

18.2. The **2011–12 recruitments** are described as having generated allegations of manipulation of interview marks, favouritism and irregular appointments. According to the material supplied, these resulted in complaints, CID inquiries and judicial scrutiny, with consequential changes to KPSC procedures. The material, however, does not identify a particular recruitment, FIR,

final report or adjudicated finding. This episode should therefore be employed cautiously if it is to form part of a judicial determination.

18.3. The **2023–24 Gazetted Probationers preliminary examination** is presented as another episode involving allegations of large-scale malpractice and organised cheating at examination centres. The material states that police investigation resulted in arrests and that cancellation of the examination ultimately received judicial approval. If this proposition is to be used as part of the factual foundation of an order, the precise examination, cancellation order and judgment should be independently identified, rather than treating the supplied citation as sufficient for every proposition.

18.4. The **May 2025 Gazetted Probationers Mains Examination** generated two distinct controversies. The first concerned alleged compromise of examination security when candidates noticed unsealed question-paper bundles. KPSC disputed the allegation of leakage and attributed the occurrence to a logistical problem. On the material supplied, therefore, **there is no concluded finding that the question paper was leaked**. The

episode establishes controversy and concern over examination security, not proven leakage.

The second controversy emerged subsequently, when it was alleged that an unusually large number of candidates from the **same examination room**, including members of the same families, qualified for interviews. This generated allegations of manipulated evaluation and favouritism and prompted the State Government to order an inquiry. Again, the important distinction is between **circumstances giving rise to suspicion and an adjudicated finding of manipulation**. The material establishes the former, not necessarily the latter.

18.5. The **2026 Industrial Extension Officers recruitment controversy** is institutionally more significant, because the allegations reached the office of the Chairman of KPSC itself. The allegation is that Chairman Shivashankarappa S. Sahukar misused his position in connection with the recruitment of his daughter, including alleged use of false income documentation and reservation benefits. The Governor suspended the Chairman and proceedings/inquiry followed. Since the matter remains under

investigation or adjudication, these allegations cannot presently be converted into findings of guilt.

CENTRAL THREAD EMERGING FROM THE MATERIAL:

19. Taken together, these episodes disclose a recurring institutional concern: **the credibility of a constitutional recruitment body depends not merely upon the ultimate legality of an appointment but upon demonstrable fairness, transparency and equality throughout the selection process.**

There is, however, an important distinction that should run through any judicial discussion of these events. The material comprises three different categories: **proved facts**, such as institution of investigations, suspension, cancellation or acquittal; **allegations**, such as favouritism, manipulation or leakage; and **pending matters**, in which no final determination has yet been rendered. Those categories should not be blended.

20. The 1998–99 episode particularly demonstrates why the distinction matters. Serious allegations resulted in criminal prosecution, but the prosecution ultimately ended in acquittal.

Conversely, an acquittal in one historical prosecution does not answer whether procedural deficiencies existed in an entirely different recruitment. Each recruitment must stand or fall on its own evidence.

KPSC - THE HISTORY REPEATING ITSELF:

21. A bird's-eye view of the tabulated material reveals allegations recurring with disquieting similarity - nepotism, favouritism, fraud, corruption, tampering of OMR sheets and even allegations of answers being written for candidates elsewhere, while the examination was underway. The compilation thus reveals not merely isolated errors by the Commission, but a judicially documented progression from irregular evaluation to systemic manipulation recruitment and finally, the institutional accountability for administrative lapses. The six decisions tabulated hereinabove, can be understood as forming three strands. One, tainted evaluation and moderation; two, systemic corruption fraud capable of vitiating the entire selection and third, individual prejudice caused by the commission's own administrative mistake. What is more disturbing is that the allegations now projected are not

entirely novel; they bear an unsettling resemblance to allegations which have haunted earlier recruitments. History, it is said, should teach institutions. It cannot be permitted merely to repeat itself, recruitment after recruitment, at the cost of thousands of aspirants whose only capital is merit and whose only expectation is fairness. It is in this backdrop that the prayers in these petitions require consideration.

THE COMPLAINTS:

22. Before embarking upon that issue, it becomes apposite to notice the complaint which has culminated in registration of Crime No.89 of 2026. The complaint reads as follows:

"ಇಂದೆ,

ದಿನಾಂಕ: 25.07.2026

ಡಾ. ಮಂಜುನಾಥ
ಬಿನ್ ಲೇ.ಶಿವಲಿಂಗಯ್ಯ ಸಿ.ಡಿ, 30 ವರ್ಷ
ವಾಸ : ಬಿದರೇ ಗ್ರಾಮ. ಬಾಗೂರು ಹೋಬಳಿ
ಚನ್ನರಾಯಪಟ್ಟಣ ತಾಲ್ಲೂಕು, ಹಾಸನ-573111
ಮೊಬೈಲ್ ನಂಬರ್ 7022349535
ಇಮೇಲ್ ಐಡಿ : manjunavodaya@gmail.com

ರವರಿಗೆ,

ಪೊಲೀಸ್ ಇನ್ಸ್ ಪೆಕ್ಟರ್
ವಿಧಾನಸೌಧ ಪೊಲೀಸ್ ಠಾಣೆ
ಬೆಂಗಳೂರು ನಗರ

ವಿಷಯ: "ಕೆ.ಪಿ.ಎಸ್.ಸಿ ಪಶುವೈದ್ಯಾಧಿಕಾರಿಗಳ ನೇಮಕಾತಿಯ ಪರೀಕ್ಷೆಯಲ್ಲಿ
ನಡೆದಿರುವ ಅಕ್ರಮದ ಕುರಿತು ತನಿಖೆ ಕೋರಿ"

ಈ ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಕರ್ನಾಟಕ ಲೋಕಸೇವಾ ಆಯೋಗವು, ಪಶುಸಂಗೋಪನೆ ಮತ್ತು ಮೀನುಗಾರಿಕೆ ಇಲಾಖೆಯ 400 (342+58 Backlog) ಪಶುವೈದ್ಯಾಧಿಕಾರಿಗಳ ಹುದ್ದೆಗಳಿಗೆ ಸ್ಪರ್ಧಾತ್ಮಕ ಪರೀಕ್ಷೆ ನಡೆಸುವ ಸಲುವಾಗಿ, ದಿನಾಂಕ: 29.07.2024 ರಂದು ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: PSC/-RTB-1/2024 ಅಧಿಸೂಚನೆ ಹೊರಡಿಸಿದ್ದು, ದಿನಾಂಕ 08.01.2026 ರಂದು ಕನ್ನಡ ಭಾಷೆ ಪರೀಕ್ಷೆ ಹಾಗೂ 09.01.2026 ರಂದು ಸ್ಪರ್ಧಾತ್ಮಕ ಪರೀಕ್ಷೆ ನಡೆದಿರುತ್ತದೆ. ಮುಂದುವರೆದು, ದಿನಾಂಕ 17.07.2026 ರಂದು ಅಂತಿಮ ಆಯ್ಕೆ ಪಟ್ಟಿಯನ್ನು ಪ್ರಕಟಿಸಿರುತ್ತಾರೆ.

ಕೆ.ಪಿ.ಎಸ್.ಸಿ ಯು ದಿನಾಂಕ 17.07.2026 ರಂದು ಅಂತಿಮ ಆಯ್ಕೆ ಪಟ್ಟಿಯನ್ನು ಪ್ರಕಟಿಸಿದ್ದು, ಸದರಿ ಪಟ್ಟಿಯಲ್ಲಿ ಕೆ.ಪಿ.ಎಸ್.ಸಿ ಯ ಉನ್ನತ ಸ್ಥಾನದಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿರುವ ಅಧ್ಯಕ್ಷರು, ಸದಸ್ಯರು ಹಾಗೂ ಸಿಬ್ಬಂದಿಗಳ ಸಂಬಂಧಿ ಅಭ್ಯರ್ಥಿಗಳು ಉನ್ನತ ಶ್ರೇಣಿಯಲ್ಲಿ ಉತ್ತೀರ್ಣ ಹೊಂದಿರುತ್ತಾರೆ. ಕೆ.ಪಿ.ಎಸ್.ಸಿ ಯು ಪಶುವೈದ್ಯಾಧಿಕಾರಿಗಳ ಹುದ್ದೆಗೆ ನಡೆಸಿದ ಪರೀಕ್ಷೆಯು ತುಂಬಾ ಕಠಿಣವಾಗಿದ್ದು, ಚಿನ್ನದ ಪದಕ ಪಡೆದ ಅಭ್ಯರ್ಥಿಗಳು, ದೇಶದ ಪ್ರತಿಷ್ಠಿತ ಯು.ಪಿ.ಎಸ್.ಸಿ ನಡೆಸುವ ಐ.ಎಫ್.ಎಸ್ ಪರೀಕ್ಷೆಯಲ್ಲಿ ಉತ್ತೀರ್ಣರಾದ ಅಭ್ಯರ್ಥಿಗಳು ಕೇವಲ 350 ಅಂಗಳನ್ನು ಪಡೆಯಲು ವಿಫಲರಾಗಿದ್ದಾರೆ. ಆದರೆ ಪಶುವೈದ್ಯ ಪದವಿಯಲ್ಲಿ ಸಾಧಾರಣ ಸಾಧನೆ ಮಾಡಿರುವ ಅಭ್ಯರ್ಥಿಗಳೇ 400 ಕ್ಕಿಂತ ಹೆಚ್ಚು ಅಂಕ ಪಡೆದಿರುವುದು ಅನುಮಾನ ಮೂಡಿಸುವಂತಿದೆ. ಈ ಅನುಮಾನವನ್ನು ಪುಷ್ಟೀಕರಿಸುವಂತೆ ಕೆ.ಪಿ.ಎಸ್.ಸಿ ಅಧ್ಯಕ್ಷರು (ಅಮಾನತ್ತು) ಸಾಹುಕಾರ್ ಎಸ್ ಶಿವಶಂಕರಪ್ಪನವರ ಸಂಬಂಧಿ ಅಭ್ಯರ್ಥಿಯಾದ Sooguresh Jaka ಎಂಬುವರು ಪದವಿಯಲ್ಲಿ 02 ಪರೀಕ್ಷೆಯಲ್ಲಿ ಅನುತೀರ್ಣಗೊಂಡು ಕಂಪಾರ್ಟ್‌ಮೆಂಟ್ ಪರೀಕ್ಷೆಯಲ್ಲಿ ಉತ್ತೀರ್ಣಗೊಂಡು ಕನಿಷ್ಠ CGPA ಯೊಂದಿಗೆ ಪದವಿ ಮುಗಿಸಿದ್ದರೂ ಸದರಿ ಕೆ.ಪಿ.ಎಸ್.ಸಿ ಪರೀಕ್ಷೆಯಲ್ಲಿ ಭರ್ಜರಿ 450 ಕ್ಕಿಂತ ಹೆಚ್ಚು ಅಂಕಗಳನ್ನು ಪಡೆದು ಅತ್ಯುನ್ನತ ಶ್ರೇಣಿಯಲ್ಲಿ ಉತ್ತೀರ್ಣರಾಗಿರುತ್ತಾರೆ. ಇದು ಭಾರೀ ಅನುಮಾನಕ್ಕೆ ಗ್ರಾಸವಾಗಿರುತ್ತದೆ. ಇದಲ್ಲದೆ ಈ ಅಭ್ಯರ್ಥಿಗಳ ಮೊಬೈಲ್ ಫೋನ್‌ಗಳು ಪರೀಕ್ಷೆಯ ಹಿಂದಿನ ದಿನ ಹಾಗೂ ಪರೀಕ್ಷೆಯ ದಿನದಂದು ಸ್ವಿಚ್ ಆಫ್ ಆಗಿರುತ್ತದೆ. ಈ ಸಮಯದಲ್ಲಿ ಮಧ್ಯವರ್ತಿಗಳು ತಮ್ಮ ವಾಹನಗಳಲ್ಲಿ ಅಭ್ಯರ್ಥಿಗಳನ್ನು ಕರೆದುಕೊಂಡು ಹೊರರಾಜ್ಯ ಹಾಗೂ ಇತರೆ ಸ್ಥಳದಲ್ಲಿನ ಹೋಟೆಲ್ ಅಥವಾ ರೆಸಾರ್ಟ್ ಗಳಲ್ಲಿ ತಂಗಿ, ಅಲ್ಲಿ ಉತ್ತರ ಸಹಿತ ಪ್ರಶ್ನೆ ಪತ್ರಿಕೆ ನೀಡಿ, ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ತರಬೇತಿ ನೀಡಿ ಪರೀಕ್ಷಾ ಕೇಂದ್ರದ ಸಮೀಪಕ್ಕೆ ತಂದು ಬಿಟ್ಟಿರುತ್ತಾರೆ ಎಂಬ ಮಾಹಿತಿಯಿದ್ದು, ಈ ಬಗ್ಗೆ ಕೂಲಂಕುಶವಾಗಿ ಫೋನ್ ಸ್ವಿಚ್ ಆಫ್ ಆದಕಾರಣ ಹಾಗೂ ಅಭ್ಯರ್ಥಿಗಳು ಯಾವ ಸ್ಥಳಗಳಲ್ಲಿ ಇದ್ದರು ಎಂಬುದರ ಬಗ್ಗೆ ತನಿಖೆ ನಡೆಸಬೇಕು.

ಹಲವು ಅಭ್ಯರ್ಥಿಗಳು ಪರೀಕ್ಷೆಗೆ ಹೋಗುವ ಮುನ್ನವೇ ಅಕ್ರಮದ ಸಿದ್ಧತೆ ನಡೆಸಿ, ಪರೀಕ್ಷಾ ಕೊಠಡಿಗೆ ಬಂದು ಪರೀಕ್ಷೆಯಲ್ಲಿ ನೀಡಿದ ಓ.ಎಂ.ಆರ್ ಪ್ರತಿಯಲ್ಲಿ ಕೆಲವೇ ಕೆಲವು ಪ್ರಶ್ನೆಗಳಿಗೆ ಉತ್ತರಿಸಿ; ಬಹುಪಾಲು ಪ್ರಶ್ನೆಗಳಿಗೆ ಉತ್ತರಿಸದೆ, ಖಾಲಿ ಓ.ಎಂ.ಆರ್ ಪ್ರತಿಯನ್ನು ನೀಡಿರುವುದನ್ನು ಕೆಲ ಅಭ್ಯರ್ಥಿಗಳು

ಗಮನಿಸಿರುತ್ತಾರೆ. (ಪರೀಕ್ಷಾ ಕೇಂದ್ರದ ಸಿಸಿಟಿವಿ ದೃಶ್ಯಾವಳಿಗಳಿಗಾಗಿ ಆರ್.ಟಿ.ಐ ಮುಖಾಂತರ ಕೆ.ಪಿ.ಎಸ್.ಸಿ ಗೆ ಮನವಿ ಸಲ್ಲಿಸಿದೆ. ಸಿಸಿಟಿವಿ ದೃಶ್ಯಾವಳಿಗಳು ಲಭ್ಯವಾದ ತಕ್ಷಣ ಸಲ್ಲಿಸಲಾಗುವುದು). ದಿನಾಂಕ 26.05.2026 ರಂದು ಪ್ರಕಟಗೊಂಡ ತಾತ್ಕಾಲಿಕ ಆಯ್ಕೆ ಪಟ್ಟಿಯಲ್ಲಿ ಸದರಿ ಅಭ್ಯರ್ಥಿಗಳೇ ಅತ್ಯುನ್ನತ ಶ್ರೇಣಿಯಲ್ಲಿ ಉತ್ತೀರ್ಣಗೊಂಡಿದ್ದು ಓ.ಎಂ.ಆರ್ ತಿದ್ದುಪಡಿ (OMR tampering) ನಡೆದಿರುವ ಬಗ್ಗೆ ಭಾರಿ ಅನುಮಾನ ಇದ್ದು, ತಾವುಗಳು ಅಂತಿಮ ಆಯ್ಕೆ ಪಟ್ಟಿಯಲ್ಲಿರುವ ಎಲ್ಲಾ ಅಭ್ಯರ್ಥಿಗಳ ಓ.ಎಂ.ಆರ್ ಪ್ರತಿಗಳನ್ನು ಎಫ್.ಎಸ್.ಎಲ್ ನಲ್ಲಿ ಕಾರ್ಬನ್ ಡೇಟಿಂಗ್ ಮಾಡಿಸಿ ಈ ಅಕ್ರಮದ ಹಿಂದೆ ಇರುವ ವ್ಯಕ್ತಿಗಳನ್ನು ತನಿಖೆಗೆ ಒಳಪಡಿಸಬೇಕಾಗಿ ಕೋರುತ್ತೇವೆ.

ದಿನಾಂಕ 12.02.2026 ರಂದು ಕರ್ನಾಟಕ ಲೋಕಸೇವಾ ಆಯೋಗವು ಅರ್ಹತಾ ಪಟ್ಟಿಯನ್ನು ಪ್ರಕಟಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಪಟ್ಟಿಯಲ್ಲಿ ಕೇವಲ ಅಭ್ಯರ್ಥಿಗಳ ಹೆಸರು ಮತ್ತು ನೋಂದಣಿ ಸಂಖ್ಯೆ ಮಾತ್ರ ಇರುತ್ತದೆ, ಅಭ್ಯರ್ಥಿಗಳ ವಿಳಾಸವಾಗಲಿ, ದೂರವಾಣಿ ಸಂಖ್ಯೆಯಾಗಲಿ ಅಥವಾ ಪರೀಕ್ಷೆಯಲ್ಲಿ ಗಳಿಸಿದ ಅಂಕಗಳಾಗಲೀ ಯಾವುದೂ ಇರುವುದಿಲ್ಲ. ಆದರೆ ಮಧ್ಯವರ್ತಿಗಳು ಅರ್ಹತೆಯಲ್ಲಿರುವ ಅಭ್ಯರ್ಥಿಗಳಿಗೇ ಕರೆ ಮಾಡಿ ಅಭ್ಯರ್ಥಿಯ ಹಲವು ಖಾಸಗಿ ಮಾಹಿತಿಗಳನ್ನು ನೀಡಿ. ಅವರನ್ನು ನಂಬಿಸಿ, ಇನ್ನೂ ಮುಂದುವರೆದು ಓ.ಎಂ.ಆರ್ ನ ಅಂಕಗಳನ್ನು ಸಹ ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ತಿಳಿಸಿ, ತಾವು ಆಯ್ಕೆ ಪಟ್ಟಿಯ ಕೊನೆಯ ಹೆಸರಿಗಿಂತ ಇಂತಿಷ್ಟು ಅಂಕಗಳಿಂದ ಹಿಂದಿದ್ದೀರಿ, ನಾವು ಓ.ಎಂ.ಆರ್ ಪ್ರತಿಯನ್ನು ಹೊರಗೆ ತಂದು ಸ್ವತಃ ನಿಮ್ಮ ಕೈಯಲ್ಲಿಯೇ ತಿದ್ದುಪಡಿ ಮಾಡಿಸಿ. ಉದ್ಯೋಗ ಕೊಡಿಸುವುದಾಗಿ ಹೇಳಿ ಸುಮಾರು 80 ಲಕ್ಷ ಹಣಕ್ಕೆ ಬೇಡಿಕೆ ಇಟ್ಟು, ಒಪ್ಪಿಕೊಂಡಲ್ಲಿ 40 ಲಕ್ಷ ಮುಂಗಡ ಪಾವತಿಸಿ, ಉದ್ಯೋಗ ಖಾತರಿಯಾದ ನಂತರ ಉಳಿದ ಹಣಕ್ಕೆ ಬೇಡಿಕೆ ಇಟ್ಟಿರುವ ವಿಡಿಯೋ ಹಾಗೂ ಆಡಿಯೋ ದಾಖಲೆ ಸಾಕ್ಷಿಗಳು ಲಭ್ಯವಿರುತ್ತವೆ, ತಮ್ಮ ಮಾಹಿತಿಗಾಗಿ ಸಾಕ್ಷಿಗಳನ್ನು ದೂರಿನೊಂದಿಗೆ ನೀಡಲಾಗಿದೆ. ಸದರಿ ವಿಷಯದ ಕುರಿತು ಕೆ.ಪಿ.ಎಸ್.ಸಿ ಗೆ ದಿನಾಂಕ: 29.05.2026 ರಂದು ದೂರು ನೀಡಲಾಗಿದ್ದು, ಕೆ.ಪಿ.ಎಸ್.ಸಿ ಯು ವಿಧಾನಸೌಧ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ದೂರು ನೀಡಿ ತನಿಖೆ ನಡೆಸಿದ್ದು, ಅದರ ಎಫ್.ಐ.ಆರ್ ನಂ. 63/2026 ಆಗಿರುತ್ತದೆ. ಅಭ್ಯರ್ಥಿಗಳ ಖಾಸಗಿ ಮಾಹಿತಿ ಹಾಗೂ ಓ.ಎಂ.ಆರ್ ಅಂಕಗಳ ಮಾಹಿತಿ ಮಧ್ಯವರ್ತಿಗಳಿಗೆ ಲಭ್ಯವಾಗಿದ್ದರೆ ಹಿಂದೆ ಕೆ.ಪಿ.ಎಸ್.ಸಿ ಅಧ್ಯಕ್ಷರು, ಸದಸ್ಯರು ಮತ್ತು ಅಧಿಕಾರಿಗಳ ನೇರ ಕೈವಾಡವಿದ್ದು, ಅವರೇ ದಲ್ಲಾಳಿಗಳನ್ನು ಇಟ್ಟು ಅಭ್ಯರ್ಥಿಗಳ ಮಾಹಿತಿಯನ್ನು ನೀಡಿ. ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ಕರೆಮಾಡಿಸಿರುವ ಸಾಧ್ಯತೆ ಹೆಚ್ಚಿದ್ದು. ಇದರ ಬಗ್ಗೆ ಸಮಗ್ರ ತನಿಖೆ ನಡೆಸಬೇಕಾಗಿ ಕೋರುತ್ತೇವೆ.

ಈ ಕೆಳಕಂಡ ವ್ಯಕ್ತಿಗಳೆಲ್ಲರೂ ಈ ಅಕ್ರಮದಲ್ಲಿ ಭಾಗಿಯಾಗಿ ಉತ್ತೀರ್ಣರಾಗಿರುವ ಅಭ್ಯರ್ಥಿಗಳು:

1. Raj Mohammed, 481.5
2. Mohammed Sohail Nabhilal Bademgol, 411.75
3. Sooguresh Jaka, 456.75
4. Siddharth, 400.5
5. Nandeesh. B Bhaddurgatte, 493.5
6. Amaregouda Virupapur, 487.5
7. Vinuta Mallappa Hittalamni, 483

8. Niranjana Patil, 483.75
9. Kiran Gowda B S, 483
10. Mahendra Kumar Hosahalli, 471
11. Vinodh Sudhakar Naik, 468.75
12. Kiran Kumar M, 466.5
13. Navin Kumar N, 466.5
14. Chaitra H L, 458.25
15. Tejas S S, 454.5
16. Basavaraj Vadari, 443.25
17. Lokesh K R, 378.75
18. Nikhil, 378
19. Harish M Sirsi, 369.75
20. Manu K T, 363.75
21. Abishek Mahadev Jolapure, 360
22. Shruthi S Ummagol, 359.25
23. Ganesh Kumar, 356.25
24. Pavan S N, 351
25. Suhas R, 350.25
26. Vinayaka, 347.25
27. Manjunatha C R, 345.75
28. Chetan G R, 344.25
29. Mohd Athif Ali, 344.25

ಈ ದೂರಿನುದ್ದಕ್ಕೂ ಕೆ.ಪಿ.ಎಸ್.ಸಿ ಯು ಯಾವೆಲ್ಲಾ ರೀತಿಯಲ್ಲಿ ಪರೀಕ್ಷಾರ್ಥಿಗಳಿಗೆ ಅಕ್ರಮವನ್ನು ಎಸಗಿದೆ ಎಂಬ ಮಾಹಿತಿಯನ್ನು ತಮ್ಮ ಗಮನಕ್ಕೆ ತಂದಿದ್ದೇವೆ. ಓ.ಎಂ.ಆರ್ ಟ್ರಾಂಪರಿಂಗ್, ಸ್ವಜನ ಪಕ್ಷಪಾತ, ರೆಸಾರ್ಟ್ ಕಾರ್ಯಾಚರಣೆ, ಪ್ರಶ್ನೆಪತ್ರಿಕೆ ಸೋರಿಕೆ, ಅಭ್ಯರ್ಥಿಗಳ ಖಾಸಗಿ ಮಾಹಿತಿಗಳ ಸೋರಿಕೆ, ಇನ್ನೂ ಮುಂತಾದ ಅಕ್ರಮಗಳ ಮೂಲಕ ಪಶುವೈದ್ಯಾಧಿಕಾರಿ ಹುದ್ದೆಯ ಅಕಾಂಕ್ಷಿಗಳಿಗೆ ಕೆ.ಪಿ.ಎಸ್.ಸಿ ಯು ಬಹುದೊಡ್ಡ ಅನ್ಯಾಯವನ್ನು ಎಸಗಿದ್ದು, ತಾವುಗಳು ಈ ಅಕ್ರಮದ ವಿರುದ್ಧ ಸಮಗ್ರ ತನಿಖೆ ನಡೆಸಿ ತಪ್ಪಿತಸ್ಥ ಕೆ.ಪಿ.ಎಸ್.ಸಿ ಮುಖಂಡರು ಹಾಗೂ ಅಕ್ರಮ ಎಸಗಿರುವ ಅಭ್ಯರ್ಥಿಗಳನ್ನು ಕಠಿಣ ಶಿಕ್ಷೆಗೆ ಗುರಿಮಾಡಬೇಕಾಗಿ ಈ ಮೂಲಕ ತಮ್ಮಲ್ಲಿ ಕೋರುತ್ತೇವೆ.

Victims List:

1. Dr Vinod Kumar
2. Dr Yuvaraj C
3. Dr M R Preetham
4. Dr Naresh
5. Dr Praveen S
6. Dr Syed Suhev
7. Dr Sandeep

8. Dr Nikhil C J
9. Dr Roopa
10. Dr Meghana
11. Dr Manjunatha
12. Dr Vinayaka I R
13. Dr Vinay R Jambagi
14. Dr Pramod K
15. Dr Sushma Bellad
16. Dr Heena Pathima
17. Dr Sagar
18. Dr Harish P
19. Dr Sachin C Gowda
20. Dr Abhilash N S
21. Dr Noothan
22. Dr Vinay
23. Dr Sangana Gouda
24. Dr Vijay Kurli

ಈ ಪತ್ರದೊಂದಿಗೆ (1)ಕೆ.ಪಿ.ಎಸ್.ಸಿ ಅಧಿಸೂಚನೆ (ಅಂತಿಮ ಆಯ್ಕೆ ಪಟ್ಟಿ) ಸಂಖ್ಯೆ:ಪಿಎಸ್‌ಸಿ 1 ಆರ್‌ಟಿಜಿ-01/2024. ದಿನಾಂಕ:17.07.2026 (2) ಅಕ್ರಮದಲ್ಲಿ ಭಾಗಿಯಾಗಿ ಉತ್ತೀರ್ಣರಾದ ಅಭ್ಯರ್ಥಿ Sooguresh Jaka ರವರ BVSc & AH ರ ಅಂಕಪಟ್ಟಿ ನಕಲು ಪ್ರತಿಯನ್ನು ಲಗತ್ತಿಸಿದೆ.

ಧನ್ಯವಾದಗಳೊಂದಿಗೆ.

ಸಹಿ/-

(ಡಾ. ಮಂಜುನಾಥ)"

The complaint names persons who came to be selected as also those who were not selected. The broad allegation concerns the modus operandi allegedly adopted in the recruitment process and the commission of offences in furtherance thereof. The allegations may be summarised as follows:

"3. **Modus Operandi of commission of offences:-**

A) It is submitted that KPSC had notified 400 posts to be filled up in the Department of Animal Husbandry and Fisheries by notification dated 29.07.2024. The KPSC conducted competitive examination and final list was announced on 17.07.2026. It is submitted that Sri Sooguresh Jaka close relative of Chairman Shivashankarappa secured 456 marks though his academic track record is completely low. Further middlemen, who operated on behalf of KPSC members and its chairman, took certain candidates to outside the state of Karnataka by switching off their mobiles and stationed them in Hotels and resorts, such candidates were given question and answer sheets, train them and drop them back to examination centres.

B) On 12.2.2026, eligible list is published which does not contain any details of the candidates except names and registration number, the middlemen with active participation of members of KPSC secure the details like address and contact numbers, call such candidates to inform marks obtained in OMR sheets and also offer them to mark answers in additional OMR sheets given during examination and promise appointments on advance payment of Rs 40 Lakh out of Rs 80 lakh bribe to be handed over.

C) As a lien over the balance payment, original marks sheet and other records will deposited with middlemen and after final selection list is announced and before original documents verification, the balance Rs 40 Lakhs to be given and Once complete payment is received, the original documents will be returned for submission."

23. The other crime registered is in Crime No.78 of 2026. Initially, a complaint was registered before the Governor. The representation submitted to the Governor by All Karnataka State Students Association (R) is as follows:

"To,

Honorable Shri Thawar
Chand Gehlot
Honorable Governor,
Karnataka Raj Bhavan,
Bengaluru.
080-22254102

Subject: Regarding the handover of the investigation to the CBI concerning irregularities, corruption, errors in English-to-Kannada translation of question papers, and anomalies in the candidate selection list for the Gazetted Probationer Group A and B preliminary and main examinations (Notification No: PSC 509 E(1)/2023-24).

Sir, following the subject mentioned above, the Karnataka Public Service Commission (KPSC) invited applications on 26-02-2024 for 384 Gazetted Probationer Group A and B posts under notification PSC 509 E(1) 2023-24 (p. 1). On August 27, 2024, the KPSC conducted the preliminary examination, where 1.31 lakh out of 2.10 lakh applicants appeared. However, due to 70% errors in the Kannada translation from English, students pressured for the cancellation of the exam. Eventually, the government ordered the commission to cancel and re-conduct it (p.1).

The commission re-conducted the exam on December 29, 2024. In this exam too, there were translation errors in approximately 59 questions. Consequently, Kannada medium candidates requested to either cancel the exam or select everyone for the main examination (p. 1). The commission refused, and based on court orders, only allowed the 350 candidates who approached the KAT and High Court to write the main exam, causing injustice to 70,000 other Kannada candidates (p. 1). Allegations against the Karnataka Public Service Commission:

1. The commission conducted the main exam while the applications of 70,000 candidates were still pending in KAT (p. 1).
2. Suspicions of a question paper leak during the preliminary exam (p. 1).

3. Suspicions of a paper leak at the BBMP College center in Bengaluru, as reported by TV and newspapers (p. 2).
4. Candidates at the above center wrote to the Secretary regarding the leak and open seals, but no investigation was conducted or response given (p. 2).
5. The main exam was conducted in haste despite pending KAT applications for re-examination (p. 2).
6. Suspicions of illegal selection of 13 to 15 candidates from the same room in the main exam (p. 2).
7. Suspicions regarding the selection of 2-3 members from the same family or village (p. 2).
8. Allegations that relatives of the Commission's Chairman, members, officers, and influential ministers were selected (p. 2).
9. The mother of one selected candidate is herself a KAS officer (p. 2).
10. Selection lists show candidates with consecutive registration numbers from the same room passing, suggesting malpractice (p. 2).
11. Leaders like Shri R. Ashoka and others have alleged that influential figures were involved in these translation errors and corruption (p. 2).
12. Despite continuous media reports, the Secretary, Jyothi K., reported to the government that no irregularities occurred. This was an internal report based on limited footage and should be rejected; KAS interviews must be stayed (pp. 2-3).
13. In the interest of poor and talented candidates, this notification should be cancelled and re-issued through the KEA (p. 3).
14. Evidence including media reports and supervisor letters are attached (p. 3).

15. We request the formation of a High Court Judges' Committee or a CBI inquiry to ensure transparency and punishment for the guilty (p. 3).

for ALL KARNATAKA STATE
STUDENT ASSOCIATION (R)

Sd/-
PRESIDENT"

Later, a complaint comes to be registered before the Vidhana Soudha Police Station. The gist of the complaint as found in Column 10 of the FIR is as follows:

"10. ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯ ವಿವರಗಳು :

ಫಿರ್ಯಾದುದಾರರಾದ ಶ್ರೀಮತಿ ಶೋಭ ಬಿ.ಎನ್, ಸಹಾಯಕ ಕಾರ್ಯದರ್ಶಿ(ಪ್ರ), ಕರ್ನಾಟಕ ಲೋಕ ಸೇವಾ ಆಯೋಗ ರವರು ದಿ:10-07-2026 ರಂದು ಶಾಣೆಗೆ ಹಾಜರಾಗಿ ನೀಡಿದ ದೂರಿನ ಸಾರಾಂಶವೇನೆಂದರೆ: ಕರ್ನಾಟಕ ಲೋಕ ಸೇವಾ ಆಯೋಗದಿಂದ ದಿ:15-03-2024 ರಂದು ಅಧಿಸೂಚಿಸಲಾದ ಕೈಗಾರಿಕೆ ಮತ್ತು ವಾಣಿಜ್ಯ ಇಲಾಖೆಯಲ್ಲಿನ ಕೈಗಾರಿಕೆ ವಿಸ್ತರಣಾಧಿಕಾರಿ - 50 (ಆರ್ ಪಿಸಿ) ಹುದ್ದೆಗಳ ನೇಮಕಾತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅಭ್ಯರ್ಥಿಯಾದ ಕುಮಾರಿ ಸುಮ ಎಸ್ ಸಾಹುಕಾರ್ (241397781) ಇವರು 3ಬಿ ಮೀಸಲಾತಿಯಡಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, ದಿ:12-07-2025 ಮತ್ತು 13-07-2025 ರಂದು ನಡೆದ ಪರೀಕ್ಷೆಗೆ ಹಾಜರಾಗಿ ದಿ:21-01-2026 ರಂದು ಪ್ರಕಟಿಸಲಾದ 1:3 ಅರ್ಹತಾ ಪಟ್ಟಿಯಲ್ಲಿ ಅರ್ಹತೆ ಹೊಂದಿ ದಿ:19-02-2026 ರಂದು ನಡೆದ ಮೂಲ ದಾಖಲೆಗಳ ಪರಿಶೀಲನೆಗೆ ಹಾಜರಾಗಿದ್ದು ದಾಖಲೆಗಳ ಪರಿಶೀಲನೆಗೆ ವಿದ್ಯಾರ್ಹತೆ/ಮೀಸಲಾತಿ/ಇತರೆ ಸಂಬಂಧಿತ ದಾಖಲೆಗಳನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. 3ಬಿ ಮೀಸಲಾತಿ ಸಂಬಂಧ ದಿ:04-03-2020 ರಂದು ಜಾರಿಯಾದ ಆದಾಯ ಮತ್ತು ಜಾತಿ ಪ್ರಮಾಣ (ನಮೂನೆ ಎಫ್) (Certificate No. RD5018440579619) ಸಲ್ಲಿಸಿದ್ದು, ಅದರಲ್ಲಿ ಅವರ ಕುಟುಂಬದ ವಾರ್ಷಿಕ ಆದಾಯ ಒಟ್ಟು ರೂ.40,000/- ಎಂದು ಸುಳ್ಳು ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ನೀಡಿರುತ್ತಾರೆ. ಅಭ್ಯರ್ಥಿಯ ಅರ್ಜಿ ಮತ್ತು ಇತರೆ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಸದರಿ ಅಭ್ಯರ್ಥಿಯು ಕೆ.ಪಿ.ಎಸ್.ಸಿ. ಯ ಅಧ್ಯಕ್ಷರಾದ ಶ್ರೀ ಶಿವಶಂಕರಪ್ಪ ಎಸ್ ಸಾಹುಕಾರ್ ಇವರ ಮಗಳೆಂದು ತಿಳಿದುಬಂದಿರುತ್ತದೆ.

ಸುಮ ಎಸ್ ಸಾಹುಕಾರ್ ತಂದೆಯವರಾದ ಶ್ರೀ ಶಿವಶಂಕರಪ್ಪ ಎಸ್. ಸಾಹುಕಾರರವರು ದಿನಾಂಕ:03-09-2019 ರಂದು ಕರ್ನಾಟಕ ಲೋಕಸೇವಾ ಆಯೋಗದ ಸದಸ್ಯರಾಗಿ ನೇಮಕಗೊಂಡಿದ್ದು, ಪ್ರತಿ ತಿಂಗಳು

ರೂ.2,05,100/- ಗಳ ಮೂಲ ವೇತನ ಹಾಗೂ ಇತರೆ ಭತ್ಯೆಗಳನ್ನು ಪಡೆದಿರುತ್ತಾರೆ. ದಿನಾಂಕ:05-04-2021 ರಂದು ಮಾನ್ಯ ಶ್ರೀ ಶಿವಶಂಕರಪ್ಪ ಎಸ್. ಸಾಹುಕಾರ್‌ವರು ಆಯೋಗದ ಅಧ್ಯಕ್ಷರಾಗಿ ನೇಮಕಗೊಂಡಿದ್ದು ಪ್ರತಿ ತಿಂಗಳು ರೂ.2,25,000/-ಗಳ ಮೂಲ ವೇತನ ಹಾಗೂ ಇತರೆ ಭತ್ಯೆಗಳನ್ನು ಪಡೆದಿರುತ್ತಾರೆ. ಜೊತೆಗೆ, ಮಾನ್ಯ ಶ್ರೀ ಶಿವಶಂಕರಪ್ಪ ಎಸ್. ಸಾಹುಕಾರ್‌ವರು ಇತ್ತೀಚೆಗೆ ತಮ್ಮ ಸ್ಥಿರಾಸ್ತಿ ಮತ್ತು ಚರಾಸ್ತಿ ವಿವರಗಳನ್ನು ಗೌರವಾನ್ವಿತ ರಾಜ್ಯಪಾಲರಿಗೆ ಸಲ್ಲಿಸಿದ್ದು 3ಬಿ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ನಮೂದಿಸಿರುವುದಕ್ಕಿಂತ ಹೆಚ್ಚಿನ ಪ್ರಮಾಣದ ಸ್ಥಿರಾಸ್ತಿಯನ್ನು ಹೊಂದಿರುವುದು ತಿಳಿದುಬಂದಿರುತ್ತದೆ. ಸರ್ಕಾರದ ಆದೇಶ ಸಂ: ಹಿಂವಕ 304 ಬಿಸಿಎ 2017, ದಿ:14-09-2018 ರಲ್ಲಿ ಕೆನೆಪದರವನ್ನು ನಿರ್ಣಯಿಸಲು ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಪ್ರವರ್ಗ-2ಎ, 2ಬಿ, 3ಎ ಮತ್ತು 3ಬಿ ಗಳಿಗೆ ಅನ್ವಯಿಸುವಂತೆ ಕೆನೆಪದರಕ್ಕೆ ನಿಗದಿಪಡಿಸಿರುವ ಅಭ್ಯರ್ಥಿಯ ಮತ್ತು ಅವರ ತಂದೆ-ತಾಯಿ/ಪೋಷಕರ ವಾರ್ಷಿಕ ಒಟ್ಟು ಆದಾಯ ಮಿತಿಯನ್ನು (Gross Annual Income) ರೂ. 6.00 ಲಕ್ಷಗಳಿಂದ ರೂ. 8.00 ಲಕ್ಷಗಳಿಗೆ ಈ ಕೂಡಲೇ ಜಾರಿಗೆ ಬರುವಂತೆ ಹಾಗೂ ಮುಂದಿನ ಆದೇಶದವರೆಗೆ ಹೆಚ್ಚಿಸಿ ಆದೇಶಿಸಲಾಗಿರುತ್ತದೆ. ಅದರನ್ವಯ 3B ಮೀಸಲಾತಿಗೆ ನಿಗದಿಪಡಿಸಿರುವ ಕೆನೆಪದರ ಆದಾಯದ ಮಿತಿಯನ್ನು ಅಭ್ಯರ್ಥಿಯಾದ ಸುಮ ಎಸ್ ಸಾಹುಕಾರ್ ಇವರ ಕುಟುಂಬದವರು ಮೀರಿರುತ್ತಾರೆಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಸ್ಪಷ್ಟವಾಗಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ಸದರಿ ಅಭ್ಯರ್ಥಿಯು ಸುಳ್ಳು ಆದಾಯ ಮತ್ತು ಜಾತಿ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ನೈಜವೆಂದು ಸೃಷ್ಟಿಸಿ ಇಲಾಖೆಗೆ ಕೊಟ್ಟು ಮೋಸ ಮಾಡಿರುತ್ತಾರೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಅಭ್ಯರ್ಥಿ ಸುಮ ಎಸ್ ಸಾಹುಕಾರ್ ಇವರ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಳ್ಳುವಂತೆ ನೀಡಿದ್ದ ದೂರು ಇತ್ಯಾದಿ."

The crime is registered on 10-07-2026. A press release is made placing the Chairman under suspension by the Governor. It reads as follows:

**"Karnataka Governor Secretariat, Lok Bhavan,
Bengaluru.**

Press release

Complaints have received against Sri.Shivashankrappa S Sahukar, Chairman, Karnataka Public Service Commission with request to take action against him for facilitating illegal selection of his two daughters to the posts of Industrial Extension Officer in an unlawful manner.

It is found that the Chairman failed to recuse himself or formally declare a conflict of interest while his direct dependants participated in the KPSC selection process.

One of the daughter of the Chairman has obtained the income and caste certificate by declaring the family income of Rs. 40,000/- per annum. These evidences indicate that the Chairman's daughter has claimed OBC Reservation and Creamy Layer exemption by deliberate suppression of facts and using manipulated lower-income declarations in spite of having income more than prescribed limit and knowing that his father is working as the Chairman of the Commission.

Further, as per the GO No No-SWD 225 BCA 2000, dated, 30-03-2002, the children's of Chairman of a Public Service Commission are not eligible to claim reservation under the backward classes quota in Karnataka.

In-spite of this restriction, the Chairman and his daughter has suppressed the vital information to get undue benefit, which is an act impossible without administrative oversight or deliberate blindness by the head of the Commission.

The Income and Property returns submitted by the Chairman and also the other facts supported by records point a finger at the Chairman of the Commission with some certainty, it amounts to misbehaviour in the given facts and circumstances of the case.

Hence, the Hon'ble Governor has recommended to the President of India to make reference to the Supreme Court of India under Article 317(1) of the Constitution of India for necessary enquiry in to the allegations made against Sri.Shivashankarappa S Sahukar, Chairman, Karnataka Public Service Commission.

Further, to ensure a fair, impartial, and uninfluenced investigation while protecting the integrity and credibility of the Karnataka Public Service Commission, Hon'ble Governor has placed the Chairman under suspension until further orders from the President Office.

And, Governor has ordered that the next senior most member of the Commission to act as Chairman, KPSC until further orders.

Sd/-13/7/2026
(R.Prabhushankar)
Special Secretary to Governor"

24. Writ Petition No.22184 of 2026 concerns acts of the Chairman. The allegations against the Chairman of the Commission can be summarized as follows:

"....

12. The KPSC by notification dated 15.03.2024 invited applications for 50 posts of Industrial Extension Officer in the Department of Industries and Commerce ("the IEO recruitment"). The written examination was held on 12/13-07-2025. a 1:3 eligibility list was published on 21-01-2026; document verification was conducted on 19-02-2026; and the Final Selection List was published on 10-06-2026, wherein Ms. Anuradha S.S., daughter of Sri Shivashankarappa S. Sahukar, the then sitting Chairman of the KPSC, figures as a selected candidate. Her sister, Ms. Suma S. Sahukar, was also a candidate in the same recruitment under Category 3B.

13. Ms. Suma S. Sahukar applied under Category 3B on the strength of Income and Certificate Caste No. RD5018440579619 dated 04-03-2020 issued by the Tahsildar, Kalaburagi, certifying the annual family income at Rs. 40,000/- at a time when her father was drawing a monthly salary of Rs. 2,05,100/- as a sitting Member of the KPSC (from 03-09-2019) and thereafter Rs. 2,25,000/- per month as its chairman (from 05-04-2021), figures which he himself disclosed in his periodic property and income returns to the Hon'ble Governor. The declared annual family income was thus less than one-sixtieth of the father's annual salary alone. A copy of the said income

certificate of Ms.Suma S Sahukar is herewith produced and marked as **ANNEXURE-B**

14. It is pertinent to note that, under Government Order No. SWD 225 BCA 2000 dated 30-03-2002, the children of the Chairman of a Public Service Commission are not eligible to claim reservation under the backward classes quota in Karnataka at all. The candidatures of both daughters under Category 3B were therefore vitiated ab-initio irrespective of income and the passage of two per se ineligible candidatures through scrutiny, the 1:3 list and document verification demonstrates that the fraud could not have been accomplished without the connivance or conspiracy of the machinery of the KPSC over which their father presided.

15. On 03-07-2026, the Petitioner No. 2 lodged four written complaints with the Police Inspector, Vidhana Soudha Police Station (Respondent No. 3) each disclosing cognizable offences, namely:

(i) complaint alleging payment of illegal gratification by one Smt. Mamitha in connection with the KAS recruitment, naming Smt. Shantha Hosmani, a sitting Member of the KPSC, as connected with the transaction.

(ii) complaint alleging payment of illegal gratification by one Smt. Mandira G. in connection with the KAS recruitment, alleging connection with Members of the KPSC, acknowledged as Preliminary Enquiry No. 2/2026;

(iii) complaint concerning the selection of Ms. Anuradha S.S. in the IEO recruitment on the strength of a false income certificate, further alleging that a similar certificate of her sister Ms. Suma was not accepted by the authorities and that the then Chairman secured the posts for his daughters by offering illegal gratification to a public servant, acknowledged as Preliminary Enquiry No. 3/2026, wherein both Ms. Anuradha S.S. and Ms. Suma are recorded as counter-parties; and

(iv) complaint alleging that one Sri Anup S. paid or agreed to pay illegal gratification of approximately Rs. 1.5 crore, of which approximately Rs. 75 lakh is stated to have already been paid, in connection with the KAS recruitment, naming Sri Bhoja Naik,

a sitting Member of the KPSC, as connected with the transaction, acknowledged as Preliminary Enquiry No. 4/2026. Copy of the complaints dated 03.07.2026 and the preliminary enquiry acknowledgment is herewith produced as **ANNEXURE-C, C1, D, D1, E, E1 and F, F1** respectively."

25. If the aforesaid allegations are viewed in their totality - the constitutional position occupied by the Commission, the magnitude of the recruitment exercises, the recurring allegations concerning earlier selections and, above all, the present accusation of a systematic modus operandi allegedly designed to displace merit and confer selection upon others for extraneous and corrupt considerations - the matter undoubtedly calls for an investigation of depth, independence and credibility. Whether such investigation should remain with the CID, presently investigating Crime No.78 of 2026, or be entrusted to the CBI or to another specially constituted agency is the question that now falls for consideration.

TRANSFER OF INVESTIGATION TO THE CBI - THE JUDICIAL

PRISM:

26. The Apex Court, in several instances, has transferred the investigation to the CBI owing to facts obtaining in each of the cases and in some has declined. I, therefore, deem it appropriate to notice the judicial prism.

26.1. The Apex Court in the case of **VISHWANATH CHATURVEDI(3) v. UNION OF INDIA¹**, was considering the case of Chief Minister of Uttar Pradesh, Sri Mulayam Singh Yadav on the allegations of corruption against him. The facts before the Apex Court could be gathered from the introduction to the judgment. It reads as follows:

"The above writ petition under Article 32 of the Constitution of India styled as public interest litigation has been preferred for seeking enforcement of fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India. According to the petitioner, he is an advocate by profession and not connected or related to any political party or parties. According to him, he has filed this petition with an intention to highlight the root of corruption in U.P. Administration. According to him, he has no relation or connection with Congress Party as on date and that the documents which have been enclosed along with the additional affidavit filed by Respondent 3 would go to prove

¹ (2007) 4 SCC 380

that Respondent 3 is having more access in the office of Congress Party, more than even the members of AICC/U.P. CC and that Respondent 3 with the help of some employees of AICC/U.P. CC succeeded in forging documents to project the petitioner as a sponsored person of Congress. It is also further stated that he is not connected with any alleged PIL cell of the party concerned. The name of the petitioner does not appear in the list which is approved by the office of the Congress Party and that the list annexed by Respondent 3 along with his affidavit is a frivolous list. It is also further stated that the petitioner never attended the 82nd Plenary Session of AICC at Hyderabad and Annexure A-3 is a frivolous document which is prepared by Respondent 3 with the help of some employees of U.P. CC and that the petitioner also paid some money to an employee of U.P. CC and **got some identity cards prepared in the name of Shri Mulayam Singh Yadav, Shri Shivpal Singh Yadav, Shri Akhilesh Yadav and Shri Ram Gopal Yadav. Copies of the said identity cards have also been enclosed as Annexure K-6 to the rejoinder to the counter-affidavit. We have perused the identity cards, namely, Annexures A-3 and K-6. In our opinion, both the identity cards which are xerox copies cannot at all be considered as authenticated documents. In the absence of concrete proof that the petitioner belongs to the Congress Party, his writ petition cannot be thrown out on the question of maintainability and on the ground that the petitioner is an active member of the Indian National Congress and the officer in charge of the Humanitarian Aid and Redressal Public Grievance Cell. We do not, therefore, propose to deal with this issue any further and proceed to consider the case of both the parties."**

What led the Apex Court to transfer the matter to CBI finds place in para-7. It reads as follows:

"7. Pursuant to the said direction, Respondents 2, 3, 4 and 5 have submitted their income tax returns and income tax assessment orders, wealth tax returns and wealth tax assessment orders for the Assessment Years 2001-2002, 2002-

2003, 2003-2004, 2004-2005 and 2005-2006 in sealed covers. Respondents 2-5 also filed separate affidavits along with income tax returns, etc. The second respondent has also explained in his affidavit dated 7-7-2006 that all the returns of the deponent-Respondent 2 and the return of Samajwadi Party for the Assessment Year 2005-2006 as well as the assessment orders passed with respect to the deponent-Respondent 2, are being submitted in a sealed cover for the perusal of this Court and that it also includes material submitted along with the returns."

While transferring, the Apex court observes as follows:

"36. Respondent 2, Shri Mulayam Singh Yadav, is a senior politician and holding a very high public post of Chief Minister in a very big State in India and the allegations made by the petitioner against him have cast a cloud on his integrity. Therefore, in his own interest, it is of utmost importance that the truth of these allegations is determined by a competent forum. Such a course would subserve public interest and public morality because the Chief Minister of a State should not function under a cloud and that it would also be in the interest of Respondent 2 and the members of his family to have their honour vindicated by establishing that the allegations are not true. In our view, these directions would sub-serve public interest.

37. The ultimate test, in our view, therefore, is whether the allegations have any substance. An enquiry should not be shut out at the threshold because a political opponent of a person with political differences raises an allegation of commission of offence. Therefore, we mould the prayer in the writ petition and direct CBI to enquire into alleged acquisition of wealth by Respondents 2-5 and find out as to whether the allegations made by the petitioner in regard to disproportionate assets to the known source of income of Respondents 2-5 is correct or not and submit a report to the Union of India and on receipt of such report, the Union of India may take further steps depending upon the outcome of the preliminary enquiry into the assets of Respondents 2-5."

The Apex Court, in the aforesaid judgment, holds that the allegations therein were against the sitting Chief Minister and he was holding a very high public office in a big State. Therefore, he could not function under a cloud in his own interest, and on that score the investigation from the **State Police** was **transferred to** the hands of independent agency, the **CBI**.

26.2. The Apex Court, in a later judgment, in the case of **RUBABBUDDIN SHEIKH v. STATE OF GUJARAT**² was considering killing of brother of the victim in a fake encounter. The facts could be gathered from the first paragraph. It reads as follows:

"Acting on a letter written by the writ petitioner, Rubabbuddin Sheikh, to the Chief Justice of India about the killing of his brother, Sohrabuddin Sheikh in a fake encounter and disappearance of his sister-in-law Kausarbi at the hands of the Anti-Terrorist Squad (ATS), Gujarat Police and Rajasthan Special Task Force (RSTF), the Registry of this Court forwarded the letter to the Director General of Police, Gujarat to take action. This letter of the Registry of this Court was issued on 21-1-2007 (sic 21-1-2006). After about six months and after several reminders, the Director General of Police, Gujarat, directed Ms Geetha Johri, Inspector General of Police (Crime), to inquire about the facts stated in the letter. A case was registered as Enquiry No. 66 of 2006. From 11-9-2006 to

² (2010) 2 SCC 200

22-1-2007 four interim reports were submitted by one V.L. Solanki, Police Inspector, working under Ms Johri."

Answering these facts, the Apex Court observes and holds as follows:

"53. It is an admitted position in the present case that the accusations are directed against the local police personnel in which the high police officials of the State of Gujarat have been made the accused. Therefore, it would be proper for the writ petitioner or even the public to come forward to say that if the investigation carried out by the police personnel of the State of Gujarat is done, the writ petitioner and their family members would be highly prejudiced and the investigation would also not come to an end with proper finding and if investigation is allowed to be carried out by the local police authorities, we feel that all concerned including the relatives of the deceased may feel that investigation was not proper and in that circumstances it would be fit and proper that the writ petitioner **and the relatives of the deceased should be assured that an independent agency should look into the matter and that would lend the final outcome of the investigation credibility** however faithfully the local police may carry out the investigation, particularly when the gross allegations have been made against the high police officials of the State of Gujarat and for which some high police officials have already been taken into custody.

54. It is also well known that when police officials of the State were involved in the crime and in fact they are investigating the case, it would be proper and interest of justice would be better served if the investigation is directed to be carried out by the CBI Authorities, in that case CBI Authorities would be an appropriate authority to investigate the case.

26.3. The Apex Court in the case of **NARMADA BAI v. STATE OF GUJARAT**³ was again dealing with a case of fake encounter, where several police officials were alleged of such fake encounter. The facts are again can be gathered from the first paragraph and answering those facts, the Apex court holds as follows:

"Narmada Bai, the petitioner herein, mother of Tulsiram Prajapati, the deceased, who, according to her, was killed on 27-12-2006/28-12-2006 in a fake encounter by Respondents 6 to 19, who are the officials of Gujarat and Rajasthan Police, somewhere on the road going from Ambalimal to Sarhad Chhapri, has filed the above writ petition under Article 32 of the Constitution of India praying for issuance of a writ of mandamus or in the nature thereof or any other writ, order or direction directing the Central Bureau of Investigation (in short "CBI") to register a first information report (in short "FIR") and investigate into the fake encounter killing of her son and submit its report to this Court. In the same petition, she also prayed for compensation for the killing of her son in a fake encounter thereby causing gross violation of Articles 21 and 22 of the Constitution.

...

...

...

61. In *Mohd. Anis v. Union of India* [1994 Supp (1) SCC 145 : 1994 SCC (Cri) 251] it has been observed by this Court that:

"5. ... Fair and impartial investigation by an independent agency, not involved in the controversy, is the demand of public interest. If the investigation is by an agency which is allegedly privy to the dispute, the credibility of the investigation will be doubted and that will be contrary to the public interest as well as the interest of justice." (SCC p. 148, para 5)

³ **(2011) 5 SCC 79**

"2. ... **Doubts were expressed regarding the fairness of the investigation as it was feared that as the local police was alleged to be involved in the encounters, the investigation by an officer of the U.P. Cadre may not be impartial.**" (SCC p. 147, para 2)

62. In another decision of this Court in *R.S. Sodhi v. State of U.P.* [1994 Supp (1) SCC 143 : 1994 SCC (Cri) 248] the following conclusion is relevant : (SCC pp. 144-45, para 2)

"2. ... We have perused the events that have taken place since the incidents but we are refraining from entering upon the details thereof lest **it may prejudice any party but we think that since the accusations are directed against the local police personnel it would be desirable to entrust the investigation to an independent agency like the Central Bureau of Investigation so that all concerned including the relatives of the deceased may feel assured that an independent agency is looking into the matter and that would lend the final outcome of the investigation credibility.** However faithfully the local police may carry out the investigation, the same will lack credibility since the allegations are against them. It is only with that in mind that we having thought it both advisable and desirable as well as in the interest of justice to entrust the investigation to the Central Bureau of Investigation forthwith and we do hope that it would complete the investigation at an early date so that those involved in the occurrences, one way or the other, may be brought to book. We direct accordingly."

63. In both these decisions, this Court refrained from expressing any opinion on the allegations made by either side but thought it wise to have the incident investigated by an independent agency like CBI so that it may bear credibility. **This Court felt that no matter how faithfully and honestly the local police may carry out the investigation, the same will lack credibility as allegations were directed against them.** This Court, therefore, thought it both desirable and advisable and in the interest of justice to entrust the investigation to CBI so that it may complete the investigation at an early date. It

was clearly stated that in so ordering, no reflection either on the local police or the State Government was intended. This Court merely acted in public interest.

64. The above decisions and the principles stated therein have been referred to and followed by this Court in *Rubabbuddin Sheikh* [(2010) 2 SCC 200 : (2010) 2 SCC (Cri) 1006] where also it was held that considering the fact that the allegations have been levelled against high-level police officers, despite the investigation made by the police authorities of the State of Gujarat, ordered investigation by CBI. Without entering into the allegations levelled by either of the parties, we are of the view that it would be prudent and advisable to transfer the investigation to an independent agency. It is trite law that the accused persons do not have a say in the matter of appointment of an investigation agency. The accused persons cannot choose as to which investigation agency must investigate the alleged offence committed by them.

65. In view of our discussions and submission of the learned counsel on either side and keeping in mind the earlier directions given by this Court, although, charge-sheet has been filed by the State of Gujarat after a gap of 3½ years after the incident, that too after pronouncement of judgment in *Rubabbuddin case* [(2010) 2 SCC 200 : (2010) 2 SCC (Cri) 1006] and **considering the nature of crime that has been allegedly committed not by any third party but by the police personnel of the State of Gujarat, we are satisfied that the investigation conducted and concluded in the present case by the State police cannot be accepted. In view of various circumstances highlighted and in the light of the involvement of police officials of the State of Gujarat and police officers of two other States i.e. Andhra Pradesh and Rajasthan, it would not be desirable to allow the Gujarat State Police to continue with the investigation, accordingly, to meet the ends of justice and in the public interest, we feel that CBI should be directed to take the investigation."**

The Apex Court holds following the earlier judgment quoted *supra* in the case of **RUBABBUDDIN SHEIKH** that when police officials themselves are alleged to be involved in the fake encounter, investigation by the very State Police would not instil public confidence.

26.4. The Apex Court, then in the case of **STATE OF PUNJAB v. CENTRAL BUREAU OF INVESTIGATION⁴**, considering a sex scandal which had broken out in Punjab in the name of “**Moga Sex Scandal**” in which again several officers alleged to be involved holds that the State Police should not investigate and directed further investigation at the hands of the CBI. The Apex Court answers the aforesaid facts. The answer reads as follows:

“**25.** This position of law will also be clear from the decision of this Court in *Nirmal Singh Kahlon v. State of Punjab* [(2009) 1 SCC 441 : (2009) 1 SCC (Cri) 523] cited by Mr Raval. **The facts of that case are that the State Police had investigated into the allegations of irregularities in the selection of a large number of candidates for the post of Panchayat Secretaries and had filed a charge-sheet against Nirmal Singh Kahlon. Yet the High Court in a PIL under Article 226 of the Constitution passed orders on 7-5-2003 directing investigation by CBI into the case as it thought that such investigation by CBI was “not only just and proper but a necessity”. Nirmal Singh Kahlon challenged the decision of the High Court before**

⁴ (2011) 9 SCC 182

this Court contending inter alia that sub-section (8) of Section 173 CrPC did not envisage an investigation by CBI after the filing of a charge-sheet and the Court of Magistrate alone has the jurisdiction to issue any further direction for investigation before this Court.

26. Amongst the authorities cited on behalf of Nirmal Singh Kahlon was the decision of this Court in *Vineet Narain case* [(1998) 1 SCC 226 : 1998 SCC (Cri) 307] that once the investigation is over and charge-sheet is filed the task of the monitoring court comes to an end. Yet this Court sustained the order of the High Court with inter alia the following reasons: (*Nirmal Singh Kahlon case* [(2009) 1 SCC 441 : (2009) 1 SCC (Cri) 523] , SCC pp. 465-66, para 63)

"63. The High Court in this case was not monitoring any investigation. It only desired that the investigation should be carried out by an independent agency. Its anxiety, as is evident from the order dated 3-4-2002, was to see that the officers of the State do not get away. If that be so, the submission of Mr Rao that the monitoring of an investigation comes to an end after the charge-sheet is filed, as has been held by this Court in *Vineet Narain* [(1998) 1 SCC 226 : 1998 SCC (Cri) 307] and *M.C. Mehta (Taj Corridor Scam) v. Union of India* [(2007) 1 SCC 110 : (2007) 1 SCC (Cri) 264] , loses all significance."

27. Though the decision of this Court in *Nirmal Singh Kahlon v. State of Punjab* [(2009) 1 SCC 441 : (2009) 1 SCC (Cri) 523] is in the context of the power of the High Court under Article 226 of the Constitution, the above observations will equally apply to a case where the power of the High Court under Section 482 CrPC is exercised to direct investigation of a case by an independent agency to secure the ends of justice.

28. This leads us to the next question whether the High Court in the facts of the present case passed the order for investigation by CBI to secure the ends of justice. The reasons given by the High Court in the impugned order dated 11-12-2007 for directing investigation by CBI are extracted hereinbelow:

"The investigating officer, who is a DSP in rank, will not be in a position to investigate the case fairly and truthfully, as senior functionaries of the State in the Police Department and political leaders are being named. By this we are not casting any doubts on the investigating team, but it seems that political and administrative compulsions are making it difficult for the investigating team to go any further to bring home the truth. Apart from revolving around a few persons who have been named in the status report, nothing worthwhile is coming out regarding the interrogation of the police officers, political leaders and others. The investigation seems to have slowed down because of political considerations.

Not less than eight police officials, political leaders, advocates, Municipal Councillors and a number of persons from the general public have been named in the status report. We feel that justice would not be done to the case, if it stays in the hands of Punjab Police. Having said this, we want to make one thing very clear that the team comprising of Shri Ishwar Chander, DIG, Shri L.K. Yadav, SSP Moga and Shri Bhupinder Singh, DSP have done a commendable job in unearthing the scam.

We feel it a fit case to be handed over to CBI."

29. On a reading of the reasons given by the High Court, we find that the High Court was of the view that the investigating officer even of the rank of DSP was not in a position to investigate the case fairly and truthfully because senior functionaries of the State Police and political leaders were to be named and political and administrative compulsions were making it difficult for the investigating team to go any further to bring home the truth. It further observed that not less than eight police officials, political leaders, advocates, municipal councillors besides a number of persons belonging to general public had been named in the status report of the State local police.

30. In the peculiar facts and circumstances of the case, the High Court felt that justice would not be done to the case if the investigation stays in the hands of the local police and for these reasons directed that the investigation of the case be

handed over to CBI. The narration of the facts and circumstances in paras 2 to 9 of this judgment also support the conclusion of the High Court that investigation by an independent agency such as CBI was absolutely necessary in the interests of justice.”

26.5. Later, the Apex court in the case of **MITHILESH KUMAR SINGH v. STATE OF RAJASTHAN**⁵, referred the matter to CBI on the following facts:

“ I regret to say that I have not been able to persuade myself to agree to the dismissal of the writ petition which in my opinion raises sensitive issues touching not only the fairness of investigation in a case involving death of a young college student in suspicious circumstances but also whether the sordid episode was a result of ragging of the deceased by her senior colleagues which the college authorities failed to prevent despite being informed about the same. Given the circumstances pointed out by the petitioner it may be premature for this Court to hold that the investigation conducted by the local police was fair or that the deceased jumped from the four-storeyed college hostel to commit suicide as she was carrying an unwanted pregnancy. The petitioner who is the unfortunate father of the deceased has attempted to point out certain deficiencies and contradictions in the findings of the investigating agency which in my opinion need to be investigated in a dispassionate attempt to discover the truth, by an outside agency like CBI.”

⁵ (2015) 9 SCC 795

Reason for reference can be gathered from a few paragraphs which read as follows:

"5. All told the petitioner is totally dissatisfied and disillusioned with the investigation conducted by the State Police. That is why he prays for a fair and proper investigation into the episode to bring the truth to light so that justice is done not only at the stage of investigation but even at the trial which depends so much on the fairness of the investigation.

6. Importance of a fair and proper investigation cannot be understated. In an adversarial system of administration of justice, fairness of investigation is the very first requirement for the fairness of a trial. A trial based on a partisan, motivated, one-sided, or biased investigation can hardly be fair. That is because while the trial itself may be procedurally correct, the essence and the purpose thereof may be vitiated by an unfair or ineffective investigation. This Court has in several pronouncements, emphasised the importance of the fairness of the investigation. Reference, in this regard, may be made to the decision of this Court in *Manu Sharma v. State (NCT of Delhi)* [(2010) 6 SCC 1 : (2010) 2 SCC (Cri) 1385] wherein this Court while dealing with the fairness of the investigation said: (SCC pp. 79-80, para 197)

"197. The criminal justice administration system in India places human rights and dignity for human life at a much higher pedestal. In our jurisprudence an accused is presumed to be innocent till proved guilty, the alleged accused is entitled to fairness and true investigation and fair trial and the prosecution is expected to play balanced role in the trial of a crime. The investigation should be judicious, fair, transparent and expeditious to ensure compliance with the basic rule of law. These are the fundamental canons of our criminal jurisprudence and they are quite in conformity with the constitutional mandate contained in Articles 20 and 21 of the Constitution of India."

...

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8. To the same effect is the decision of this Court in *Sasi Thomas v. State* [(2006) 12 SCC 421 : (2007) 2 SCC (Cri) 72] , where fairness of investigation was recognised as an important facet of the rule of law. The Court said: (SCC p. 528, para 15)

“15. Proper and fair investigation on the part of the investigating officer is the backbone of the rule of law. A proper and effective investigation into a serious offence and particularly in a case where there is no direct evidence assumes great significance as collection of adequate materials to prove the circumstantial evidence becomes essential. Unfortunately, the appellant has not been treated fairly. When a death has occurred in a suspicious circumstance and in particular when an attempt had been made to bury the dead body hurriedly and upon obtaining apparently an incorrect medical certificate, it was expected that upon exhumation of the body, the investigating authorities of the State shall carry out their statutory duties fairly.”

... ..

12. Even so the availability of power and its exercise are two distinct matters. This Court does not direct transfer of investigation just for the asking nor is transfer directed only to satisfy the ego or vindicate the prestige of a party interested in such investigation. The decision whether transfer should or should not be ordered rests on the Court's satisfaction whether the facts and circumstances of a given case demand such an order. No hard-and-fast rule has been or can possibly be prescribed for universal application to all cases. Each case will obviously depend upon its own facts. **What is important is that the Court while exercising its jurisdiction to direct transfer remains sensitive to the principle that transfers are not ordered just because a party seeks to lead the investigator to a given conclusion.** It is only when there is a reasonable apprehension about justice becoming a victim because of shabby or partisan investigation that the Court may step in and exercise its extraordinary powers. The sensibility of the victims of the crime or their next of kin is not wholly irrelevant in such situations. After all transfer of investigation to an outside agency does not imply that the transferee agency will necessarily, much less falsely implicate anyone in the commission of the crime. That is particularly so when transfer is

ordered to an outside agency perceived to be independent of influences, pressures and pulls that are commonplace when State Police investigates matters of some significance. **The confidence of the party seeking transfer in the outside agency in such cases itself rests on the independence of that agency from such or similar other considerations. It follows that unless the Court sees any design behind the prayer for transfer, the same must be seen as an attempt only to ensure that the truth is discovered. The hallmark of a transfer is the perceived independence of the transferee more than any other consideration. Discovery of truth is the ultimate purpose of any investigation and who can do it better than an agency that is independent.**

...

...

...

15. Suffice it to say that transfers have been ordered in varied situations but while doing so the test applied by the Court has always been whether a direction for transfer, was keeping in view the nature of allegations, necessary with a view to making the process of discovery of truth credible. What is important is that this Court has rarely, if ever, viewed at the threshold the prayer for transfer of investigation to CBI with suspicion. There is no reluctance on the part of the Court to grant relief to the victims or their families in cases, where intervention is called for, nor is it necessary for the petitioner seeking a transfer to make out a cast-iron case of abuse or neglect on the part of the State Police, before ordering a transfer. Transfer can be ordered once the Court is satisfied on the available material that such a course will promote the cause of justice, in a given case."

Concurring view also captures certain reasons, which reads as

follows:

"19. The matter relates to unfortunate death of a young girl student on 8-9-2011. A case was registered under Section 306 of the Penal Code, 1860 on the allegation that the deceased, who was admitted to Engineering Course at Jaipur, was harassed by the senior students of the Institute. She was taken to fourth floor and made to see downwards even though she was scared and felt dizziness. She fell down to the ground and

suffered injuries. She was not properly attended and she died on account of injuries and negligence. To cover up the truth and to save the reputation of the College, false medical record was prepared to show that she had fourteen weeks' pregnancy on account of which she committed suicide by jumping from the fourth floor.

...

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33. Observing that handing over of investigation to CBI can be ordered only in an exceptional situation and such an order is not to be passed as a routine merely because a party has levelled vague allegations, a Constitution Bench of this Court in *State of W.B. v. Committee for Protection of Democratic Rights* [(2010) 3 SCC 571 : (2010) 2 SCC (Cri) 401] held as under: (SCC p. 602, para 70)

"70. Before parting with the case, we deem it necessary to emphasise that despite wide powers conferred by Articles 32 and 226 of the Constitution, while passing any order, the courts must bear in mind certain self-imposed limitations on the exercise of these constitutional powers. The very plenitude of the power under the said Articles requires great caution in its exercise. Insofar as the question of issuing a direction to CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such power should be exercised but time and again it has been reiterated that such an order is not to be passed as a matter of routine or merely because a party has levelled some allegations against the local police. This extraordinary power must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instil confidence in investigations or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights. Otherwise CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and in the process lose its credibility and purpose with unsatisfactory investigations."

The Apex Court while following the judgment in the case of **STATE OF WEST BENGAL v. COMMITTEE FOR PROTECTION OF DEMOCRATIC RIGHTS** reported in **(2010) 3 SCC 571** holds that the very plenitude of power of reference should be used sparingly and in exceptional cases.

26.6. The Apex Court, in the case of **KABIR SHANKAR BOSE v. STATE OF WEST BENGAL**⁶, again answering the investigation conducted by local police in the State of West Bengal refers the matter to the hands of the CBI by holding as follows:

"31. In *K.V. Rajendran v. CBCID*, it has been observed that where high officials of the State authorities are involved or the accusation itself is against the top officials of the investigating agency who may probably influence the investigation, and where the investigation is bound to be tainted, to instil confidence in the investigation, the constitutional courts ought not to be shy in exercising power of transferring an investigation from the State agency to any other independent agency like CBI.

32. It is well recognised that investigation should not only be credible but also appear to be credible vide *R.S. Sodhi v. State of U.P.*. Even otherwise, the law requires that justice may not only be done but it must appear to have been done. Thus, following the above dictum, to ensure a fair investigation in the matter, there appears to be weight in the argument of the learned counsel for the petitioner to transfer

⁶ **2024 SCC OnLine SC 3592**

the investigation in relation to the two FIRs to an independent agency, more particularly keeping in mind the factual background and circumstances of the case.

33. It is admitted on record that the investigation in pursuance of the two FIRs is at a nascent stage and that it had not proceeded any further, due to the interim order dated 13.01.2021, till date. Therefore, it is but natural to get the investigation completed at the earliest. The primary object is to ensure fair completion of the investigation so that, if necessary, the trial may proceed.

34. The matter of entrusting investigation to a particular agency is basically at the discretion of the court which has to be exercised on sound legal principles. Therefore, the presence of complainant/informants are not very necessary before the Court. We do not feel that any prejudice would be caused to either of the parties if the investigation is conducted by an independent agency other than the State police. Thus, looking to the facts of this case particularly, that respondent No. 7 is a parliamentarian from the ruling party in the State of West Bengal and that the petitioner belongs to the ruling party at the Centre, **the politically charged atmosphere in the State of West Bengal may not be very conducive to a fair investigation being conducted in the instant case. It is, hence, considered appropriate that instead of keeping the investigation pending for an indefinite period, the investigation be transferred to the CBI.**

35. The case involves the investigation of the role of CISF or its personnel which cannot be left in the hands of the local police also for reasons of conflicting interests. Thus, in our view, it is not appropriate to permit the local police to examine the conduct of CISF personnel in the instant case.

36. Accordingly, for all the above reasons and in the peculiar facts of this case, a writ of mandamus is issued to the State-respondents to handover the investigation pursuant to the two FIRs aforesaid to the CBI along with all records, for its completion so that, if necessary, the trial may commence and justice is done to the parties.

37. The writ petition is allowed accordingly."

The Apex Court holds that investigation in a State where there was politically charged atmosphere would not inspire confidence if it is done by local police. It was therefore, referred to CBI. The aforesaid are the cases where the matter has been referred to CBI by the Apex Court.

CASES WHERE THE APEX COURT REFUSES TO REFER THE MATTER TO THE CBI:

26.7. The Apex Court, in the case of **COMMITTEE FOR PROTECTION OF DEMOCRATIC RIGHTS** *supra*, lays down parameters of reference, wherein it has held as follows:

"70. Before parting with the case, we deem it necessary to emphasise that despite wide powers conferred by Articles 32 and 226 of the Constitution, while passing any order, the Courts must bear in mind certain self-imposed limitations on the exercise of these constitutional powers. The very plenitude of the power under the said articles requires great caution in its exercise. Insofar as the question of issuing a direction to CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such power should be exercised but time and again it has been reiterated that such an order is not to be passed as a matter of routine or merely because a party has levelled some allegations against the local police. This extraordinary power must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instil

confidence in investigations or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights. Otherwise CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and in the process lose its credibility and purpose with unsatisfactory investigations.

71. In *Minor Irrigation & Rural Engg. Services, U.P. v. Sahngoo Ram Arya* [(2002) 5 SCC 521: 2002 SCC (L&S) 775] this Court had said that an order directing an enquiry by CBI should be passed only when the High Court, after considering the material on record, comes to a conclusion that such material does disclose a prima facie case calling for an investigation by CBI or any other similar agency. We respectfully concur with these observations."

Every judgment, subsequently rendered on the issue, is following the afore-quoted Constitution Bench judgment wherein the Apex Court observes that the Court answering such a demand, must bear in mind certain self-imposed limitations, on the exercise of constitutional powers. The extraordinary power of such reference should be made only in exceptional circumstances where an incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing fundamental rights.

26.8. In the case of **ARNAB RANJAN GOSWAMI v. UNION OF INDIA**⁷, the Apex Court holds as follows:

"46. The principle of law that emerges from the precedents of this Court is that the power to transfer an investigation must be used "sparingly" and only "in exceptional circumstances". In assessing the plea urged by the petitioner that the investigation must be transferred to CBI, we are guided by the parameters laid down by this Court for the exercise of that extraordinary power. It is necessary to address the grounds on which the petitioner seeks a transfer of the investigation. The grounds urged for transfer are:

46.1. The length of the interrogation which took place on 27-4-2020.

46.2. The nature of the inquiries which were addressed to the petitioner and the CFO and the questions addressed during interrogation.

46.3. The allegations levelled by the petitioner against the failure of the State Government to adequately probe the incident at Palghar involving an alleged lynching of two persons in the presence of police and forest department personnel.

46.4. Allegations which have been made by the petitioner on 28-4-2020 in regard to CP, Mumbai.

46.5. Tweets on the social media by activists of INC and the interview by the complainant to a representative of R. Bharat.

47. As we have observed earlier, the petitioner requested for and consented to the transfer of the investigation of the FIR from Police Station Sadar, District Nagpur City to N.M. Joshi Marg Police Station in Mumbai. He did so because an earlier FIR lodged by him at that police station was under investigation. The

⁷ (2020) 14 SCC 12

petitioner now seeks to pre-empt an investigation by Mumbai Police. The basis on which the petitioner seeks to achieve this is untenable. An accused person does not have a choice in regard to the mode or manner in which the investigation should be carried out or in regard to the investigating agency. The line of interrogation either of the petitioner or of the CFO cannot be controlled or dictated by the persons under investigation/interrogation.

In *P. Chidambaram v. Directorate of Enforcement* [*P. Chidambaram v. Directorate of Enforcement*, (2019) 9 SCC 24 : (2019) 3 SCC (Cri) 509], R. Banumathi, J. speaking for a two-Judge Bench of this Court held that : (SCC p. 56, para 66)

"66. ... there is a well-defined and demarcated function in the field of investigation and its subsequent adjudication. It is not the function of the court to monitor the investigation process so long as the investigation does not violate any provision of law. *It must be left to the discretion of the investigating agency to decide the course of investigation.* If the court is to interfere in each and every stage of the investigation and the interrogation of the accused, it would affect the normal course of investigation. *It must be left to the investigating agency to proceed in its own manner in interrogation of the accused, nature of questions put to him and the manner of interrogation of the accused.*"

(emphasis supplied)

This Court held that so long as the investigation does not violate any provision of law, the investigating agency is vested with the discretion in directing the course of investigation, which includes determining the nature of the questions and the manner of interrogation. In adopting this view, this Court relied upon its earlier decisions in *State of Bihar v. P.P. Sharma* [*State of Bihar v. P.P. Sharma*, 1992 Supp (1) SCC 222 : 1992 SCC (Cri) 192] and *Dukhishyam Benupani v. Arun Kumar Bajoria* [*Dukhishyam Benupani v. Arun Kumar Bajoria*, (1998) 1 SCC 52 : 1998 SCC (Cri) 261] in which it was held that the investigating agency is entitled to decide "the venue, the timings and the questions and the manner of putting such questions" during the course of the investigation.

48. In *CBI v. Niyamavedi* [*CBI v. Niyamavedi*, (1995) 3 SCC 601: 1995 SCC (Cri) 558], Sujata V. Manohar, J., speaking for a three-Judge Bench of this Court held that the High Court [*Neyamavedi v. Ramon Srivastava*, 1995 SCC OnLine Ker 15 : (1995) 1 KLJ 353] should have : (*Niyamavedi case* [*CBI v. Niyamavedi*, (1995) 3 SCC 601 : 1995 SCC (Cri) 558], SCC p. 603, para 4)

"4. ... refrained from making any comments on the manner in which investigation was being conducted by CBI, looking to the fact that the investigation was far from complete."

This Court observed that: (*Niyamavedi case* [*CBI v. Niyamavedi*, (1995) 3 SCC 601 : 1995 SCC (Cri) 558], SCC p. 603, para 4)

"4. ... Any observations which may amount to interference in the investigation, should not be made. Ordinarily the Court should refrain from interfering at a premature stage of the investigation as that may derail the investigation and demoralise the investigation. Of late, the tendency to interfere in the investigation is on the increase and courts should be wary of its possible consequences."

This Court adopted the position that courts must refrain from passing comments on an ongoing investigation to extend to the investigating agencies the requisite liberty and protection in conducting a fair, transparent and just investigation.

... ..

52. In assessing the contention for the transfer of the investigation to CBI, we have factored into the decision-making calculus the averments on the record and submissions urged on behalf of the petitioner. We are unable to find any reason that warrants a transfer of the investigation to CBI. In holding thus, we have applied the tests spelt out in the consistent line of precedent of this Court. They have not been fulfilled. An individual under investigation has a legitimate expectation of a fair process which accords with law. The displeasure of an accused person about the manner in which the investigation proceeds or an unsubstantiated allegation

(as in the present case) of a conflict of interest against the police conducting the investigation must not derail the legitimate course of law and warrant the invocation of the extraordinary power of this Court to transfer an investigation to CBI. Courts assume the extraordinary jurisdiction to transfer an investigation in exceptional situations to ensure that the sanctity of the administration of criminal justice is preserved. While no inflexible guidelines are laid down, the notion that such a transfer is an "extraordinary power" to be used "sparingly" and "in exceptional circumstances" comports with the idea that routine transfers would belie not just public confidence in the normal course of law but also render meaningless the extraordinary situations that warrant the exercise of the power to transfer the investigation. Having balanced and considered the material on record as well as the averments of and submissions urged by the petitioner, we find that no case of the nature which falls within the ambit of the tests enunciated in the precedents of this Court has been established for the transfer of the investigation."

26.9. Later, the Apex Court in the case of **HIMANSHU KUMAR v. STATE OF CHHATTISGARH**⁸, has held as follows:

"Position of law

44. It is now settled law that if a citizen, who is a de facto complainant in a criminal case alleging commission of cognizable offence affecting violation of his legal or fundamental rights against high government officials or influential persons, prays before a court for a direction of investigation of the said alleged offence by CBI, such prayer should not be granted on mere asking.

45. A Constitution Bench of this Court, in *State of W.B. v. Committee for Protection of Democratic Rights* [*State of W.B. v. Committee for Protection of Democratic Rights*, (2010) 3 SCC 571 : (2010) 2 SCC (Cri) 401] , has made the following

⁸ (2023) 12 SCC 592

observations pointing out the situations where the prayer for investigation by CBI should be allowed : (SCC p. 602, para 70)

"70. ... Insofar as the question of issuing a direction to CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such powers should be exercised, but time and again it has been reiterated that such an order is not to be passed as a matter of routine or merely because a party has levelled some allegations against the local police. *This extraordinary power must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and instil confidence in investigations or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights.* Otherwise CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and in the process lose its credibility and purpose with unsatisfactory investigations."

(emphasis supplied)

46. In the above decision, it was also pointed out that the same Court in *Minor Irrigation & Rural Engg. Services, U.P. v. Sahngoo Ram Arya* [*Minor Irrigation & Rural Engg. Services, U.P. v. Sahngoo Ram Arya*, (2002) 5 SCC 521 : 2002 SCC (L&S) 775] , had said that an order directing an enquiry by CBI should be passed only when the High Court, after considering the material on record, comes to the conclusion that such material does disclose a prima facie case calling for an investigation by CBI or any other similar agency.

47. In an appropriate case when the Court feels that the investigation by the police authorities is not in *Committee for Protection of Democratic Rights* [*State of W.B. v. Committee for Protection of Democratic Rights*, (2010) 3 SCC 571 : (2010) 2 SCC (Cri) 401] a proper direction, and in order to do complete

justice in the case and if high police officials are involved in the alleged crime, the Court may be justified in such circumstances to hand over the investigation to an independent agency like CBI. By now it is well-settled that even after the filing of the charge-sheet the court is empowered in an appropriate case to hand over the investigation to an independent agency like CBI.

48. The extraordinary power of the constitutional courts under Articles 32 and 226, respectively, of the Constitution of India qua the issuance of directions to CBI to conduct investigation must be exercised with great caution as underlined by this Court in *Committee for Protection of Democratic Rights [State of W.B. v. Committee for Protection of Democratic Rights]*, (2010) 3 SCC 571 : (2010) 2 SCC (Cri) 401] as adverted to hereinabove, observing that although no inflexible guidelines can be laid down in this regard, yet it was highlighted that such an order cannot be passed as a matter of routine or merely because the parties have levelled some allegations against the local police and can be invoked in exceptional situations where it becomes necessary to provide credibility and instil confidence in the investigation or where the incident may have national or international ramifications or where such an order may be necessary for doing complete justice and for enforcing the fundamental rights.

49. We are conscious of the fact that though a satisfaction of want of proper, fair, impartial and effective investigation eroding its credence and reliability is the precondition for a direction for further investigation or re-investigation, submission of the charge-sheet ipso facto or the pendency of the trial can, by no means, be a prohibitive impediment. The contextual facts and the attendant circumstances have to be singularly evaluated and analysed to decide the needfulness of further investigation or re-investigation to unravel the truth and mete out justice to the parties. The prime concern and the endeavour of the court of law should be to secure justice on the basis of true facts which ought to be unearthed through a committed, resolved and a competent investigating agency.

50. The above principle has been reiterated in *K.V. Rajendran v. State of T.N.* [*K.V. Rajendran v. State of T.N.*,

(2013) 12 SCC 480 : (2014) 4 SCC (Cri) 578] Dr B.S. Chauhan, J. speaking for a three-Judge Bench of this Court held : (SCC p. 485, para 13)

"13. ... This Court has time and again dealt with the issue under what circumstances the investigation can be transferred from the State investigating agency to any other independent investigating agency like CBI. It has been held that the power of transferring such investigation must be in rare and exceptional cases where the court finds it necessary in order to do justice between the parties and to instil confidence in the public mind, or where investigation by the State police lacks credibility and it is necessary for having "a fair, honest and complete investigation", and particularly, when it is imperative to retain public confidence in the impartial working of the State agencies."

51. Elaborating on this principle, this Court further observed : (*K.V. Rajendran case* [*K.V. Rajendran v. State of T.N.*, (2013) 12 SCC 480 : (2014) 4 SCC (Cri) 578] , SCC p. 487, para 17)

"17. ... the Court could exercise its constitutional powers for transferring an investigation from the State investigating agency to any other independent investigating agency like CBI only in rare and exceptional cases. Such as where high officials of State authorities are involved, or the accusation itself is against the top officials of the investigating agency thereby allowing them to influence the investigation, and further that it is so necessary to do justice and to instil confidence in the investigation or where the investigation is prima facie found to be tainted/biased."

52. The Court reiterated that an investigation may be transferred to CBI only in "rare and exceptional cases". One factor that courts may consider is that such transfer is "imperative" to retain "public confidence in the impartial working of the State agencies". This observation must be read with the observations made by the Constitution Bench in *Committee for Protection of Democratic Rights* [*State of W.B. v. Committee for Protection of Democratic Rights*, (2010) 3 SCC 571 : (2010) 2 SCC (Cri) 401] , that mere allegations against

the police do not constitute a sufficient basis to transfer the investigation.

53. In *Romila Thapar v. Union of India* [*Romila Thapar v. Union of India*, (2018) 10 SCC 753 : (2019) 1 SCC (Cri) 638] , one of us, A.M. Khanwilkar, J., speaking for a three-Judge Bench of this Court (Dr D.Y. Chandrachud, J. dissenting) noted the dictum in a line of precedents laying down the principle that the accused “does not have a say in the matter of appointment of investigating agency”. In reiterating this principle, this Court relied upon its earlier decisions in *Narmada Bai v. State of Gujarat* [*Narmada Bai v. State of Gujarat*, (2011) 5 SCC 79 : (2011) 2 SCC (Cri) 526] , *Sanjiv Rajendra Bhatt v. Union of India* [*Sanjiv Rajendra Bhatt v. Union of India*, (2016) 1 SCC 1 : (2016) 1 SCC (Cri) 193 : (2016) 1 SCC (L&S) 1] , *E. Sivakumar v. Union of India* [*E. Sivakumar v. Union of India*, (2018) 7 SCC 365 : (2018) 3 SCC (Cri) 49] and *Divine Retreat Centre v. State of Kerala* [*Divine Retreat Centre v. State of Kerala*, (2008) 3 SCC 542 : (2008) 2 SCC (Cri) 9] . This Court observed: (*Romila Thapar case* [*Romila Thapar v. Union of India*, (2018) 10 SCC 753 : (2019) 1 SCC (Cri) 638] , SCC p. 776, para 30)

“30. ... the consistent view of this Court is that the accused cannot ask for changing the investigating agency or to do investigation in a particular manner including for court-monitored investigation.”

54. It has been held by this Court in *CBI v. Rajesh Gandhi* [*CBI v. Rajesh Gandhi*, (1996) 11 SCC 253 : 1997 SCC (Cri) 88] , that no one can insist that an offence be investigated by a particular agency. We fully agree with the view in the aforesaid decision. An aggrieved person can only claim that the offence he alleges be investigated properly, but he has no right to claim that it be investigated by any particular agency of his choice.

55. The principle of law that emerges from the precedents of this Court is that the power to transfer an investigation must be used “sparingly” and only “in exceptional circumstances”. In assessing the plea urged by the petitioner

that the investigation must be transferred to CBI, we are guided by the parameters laid down by this Court for the exercise of that extraordinary power.”

The Apex Court considers entire spectrum of law right from the judgment in the case of **COMMITTEE FOR PROTECTION OF DEMOCRATIC RIGHTS** *supra* and all judgments subsequent to it. The Apex Court holds that the principle of law is that power to transfer an investigation must be used sparingly and only in exceptional circumstances.

26.10. The Apex Court, in the case of **ROYDEN HAROLD BUTHELLO v. STATE OF CHHATTISGARH**⁹, again following all the judgments quoted hereinabove and following **ARNAB RANJAN GOSWAMI** *supra* holds as follows:

"....

19. The above-noted decisions are in fact cited by the learned Senior Counsel for the appellants to contend that this Court should exercise its extraordinary power to refer to the matter to CBI in the instant facts. In that regard, it is also necessary to note that the High Court on the other hand has referred to the various decisions on the said aspect and has also taken into consideration the recent decision in the case of *Arnab Ranjan Goswami v. Union of India*, (2020) 14 SCC 12 wherein the entire aspect has been crystalized and this Court has held

⁹ **2023 SCC OnLine SC 204**

that the power to transfer an investigation must be used sparingly. The relevant portion reads as hereunder:—

"52. In assessing the contention for the transfer of the investigation to CBI, we have factored into the decision-making calculus the averments on the record and submissions urged on behalf of the petitioner. We are unable to find any reason that warrants a transfer of the investigation to CBI. In holding thus, we have applied the tests spelt out in the consistent line of precedent of this Court. They have not been fulfilled. An individual under investigation has a legitimate expectation of a fair process which accords with law. The displeasure of an accused person about the manner in which the investigation proceeds or an unsubstantiated allegation (as in the present case) of a conflict of interest against the police conducting the investigation must not derail the legitimate course of law and warrant the invocation of the extraordinary power of this Court to transfer an investigation to CBI. Courts assume the extraordinary jurisdiction to transfer an investigation in exceptional situations to ensure that the sanctity of the administration of criminal justice is preserved. While no inflexible guidelines are laid down, the notion that such a transfer is an "extraordinary power" to be used "sparingly" and "in exceptional circumstances" comports with the idea that routine transfers would belie not just public confidence in the normal course of law but also render meaningless the extraordinary situations that warrant the exercise of the power to transfer the investigation. Having balanced and considered the material on record as well as the averments of and submissions urged by the petitioner, we find that no case of the nature which falls within the ambit of the tests enunciated in the precedents of this Court has been established for the transfer of the investigation."

20. Hence it is clear that though there is no inflexible guideline or a straightjacket formula laid down, the power to transfer the investigation is an extraordinary power. It is to be used very sparingly and in an exceptional circumstance where the Court on appreciating the facts and circumstance arrives at the conclusion that there is no other option of securing a fair trial without the intervention and investigation by the CBI or such other specialized investigating agency which has the expertise."

26.11. The Apex Court in the case of **VISHAL TIWARI v. UNION OF INDIA**¹⁰, has held as follows:

"32. This Court does have the power under Article 32 and Article 142 of the Constitution to transfer an investigation from the authorised agency to CBI or constitute an SIT. However, such powers must be exercised sparingly and in extraordinary circumstances. Unless the authority statutorily entrusted with the power to investigate portrays a glaring, wilful and deliberate inaction in carrying out the investigation the court will ordinarily not supplant the authority which has been vested with the power to investigate. Such powers must not be exercised by the court in the absence of cogent justification indicative of a likely failure of justice in the absence of the exercise of the power to transfer. The petitioner must place on record strong evidence indicating that the investigating agency has portrayed inadequacy in the investigation or prima facie appears to be biased."

The Apex Court again considers the entire spectrum of law and holds that transfer should be made only in extraordinary circumstances. The Apex Court was considering whether investigation should be transferred to Special Investigation Team. The Apex Court refuses to transfer the investigation even to the Special Investigation Team.

¹⁰ (2024) 4 SCC 115

26.12. The Apex Court in the case of **ARVIND KEJRIWAL v. CENTRAL BUREAU OF INVESTIGATION**¹¹ reported in has held as follows:

"30. Again in the case of *Mohd. Zubair v. State (NCT of Delhi)*⁴, a three-Judge Bench of this Court once again emphasized that the existence of the power of arrest must be distinguished from the exercise of the power of arrest. The exercise of the power of arrest must be pursued sparingly. This Court reiterated the role of the courts in protecting personal liberty and ensuring that investigations are not used as a tool of harassment. Referring to its earlier decision in *Arnab Ranjan Goswami v. Union of India*⁵, this Court observed that the courts should be alive to both ends of the spectrum : the need to ensure proper enforcement of criminal law on the one hand and the need to ensure that the law does not become a ruse for targeted harassment on the other hand. Courts must ensure that they continue to remain the first line of defence against the deprivation of liberty of the citizens. Deprivation of liberty even for a single day is one day too many.

31. When the CBI did not feel the necessity to arrest the appellant for 22 long months, I fail to understand the great hurry and urgency on the part of the CBI to arrest the appellant when he was on the cusp of release in the ED case. The substantive charge against the appellant is under Section 477A IPC which deals with falsification of accounts and if convicted carries a punishment of imprisonment for a term which may extend to seven years or with fine or with both. The appellant has also been charged under Section 7 of the PC Act which deals with offence relating to a public servant being bribed. Here the punishment, if convicted, is imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine. Without entering into the semantics of applicability of Section 41(1)(b)(ii) and Section 41A Cr. P.C. as explained by this Court

¹¹ **2024 SCC OnLine SC 2550**

in *Arnesh Kumar* (supra), timing of the arrest of the appellant by the CBI is quite suspect.

32. CBI is a premier investigating agency of the country. It is in public interest that CBI must not only be above board but must also be seem to be so. Rule of law, which is a basic feature of our constitutional republic, mandates that investigation must be fair, transparent and judicious. This Court has time and again emphasized that fair investigation is a fundamental right of an accused person under Articles 20 and 21 of the Constitution of India. Investigation must not only be fair but must be seem to be so. Every effort must be made to remove any perception that investigation was not carried out fairly and that the arrest was made in a high-handed and biased manner.

33. In a functional democracy governed by the rule of law, perception matters. Like Caesar's wife, an investigating agency must be above board. Not so long ago, this Court had castigated the CBI comparing it to a caged parrot. It is imperative that CBI dispel the notion of it being a caged parrot. Rather, the perception should be that of an uncaged parrot."

26.13. The Apex Court, further, in the case of **STATE OF WEST BENGAL v. REBEKA KHATUN MOLLA @ REBEKA MOLLA¹²**, has held as follows:

"....

4. The High Court has enlisted some irregularities and alleged inconsistency in the medical reports, on the basis of which, doubt has cast on the fairness and independence of the ongoing investigation.

¹² **Crl.A.No.4744/2024 disposed on 25.11.2024**

5. It is not necessary for us to harp on these reasons, except to say that the entrustment of investigation of matters routinely to the CBI not only leads to an unmanageable burden on the premier investigative agency of the country, but also has a very serious and far-reaching, demoralizing impact on the officers of the State Police. It may not be prudent to proceed on the premise that Senior Officers, belonging to IPS and allocated to the West Bengal cadre, are incompetent or inefficient to hold a fair, independent and dispassionate investigation to find out the truth."

(Emphasis supplied at each instance)

The Apex Court, in the case of **ARVIND KEJRIWAL** *supra*, considers the conduct of the CBI and deals with the factum that "perception matters". The Apex Court in the case of **REBEKA** *supra* holds that for the asking if the matter is transferred to the hands of CBI, it would not only clog the agency, but would completely demoralize the State Police therein.

27. On a conspectus of the judgments of the Apex Court - those directing transfer of investigation to the CBI and those declining such transfer - one principle emerges unmistakably: **transfer to the CBI cannot become a universal panacea for every perceived ill in an investigation, recruitment or otherwise.** Constitutional Courts cannot proceed on the premise

that every investigation by the State Police is inherently suspect or that credibility attaches only when the acronym "CBI" is appended to the investigating agency. The morale and institutional integrity of the investigating forces of the State cannot be given a go-by even before their investigation is allowed to reach its logical stage.

28. At the same time, the Court cannot turn a Nelson's eye when the allegations concern the very purity of a recruitment process conducted by a constitutional body and have the potential of affecting the careers of thousands of aspirants. Public recruitment is not merely an exercise in filling vacancies. It is the State opening its doors to citizens on the constitutional promise that merit will receive its due and equality will remain the governing norm. If that promise is polluted by manipulation, corruption or favouritism, the casualty is not merely an unsuccessful candidate; the casualty is public confidence in constitutional governance itself.

29. Investigations by the CBI in matters of enormous magnitude have, on occasions, consumed considerable time.

In a recruitment process, time is not an innocuous bystander. Every passing month may leave hundreds of aspirants suspended between hope and uncertainty; age limits may overtake some, other opportunities may disappear for others, and an entire recruitment may remain frozen in litigation. Justice to job aspirants cannot be rendered, after their opportunity itself has withered away.

30. A Public Service Commission is not merely a recruiting agency of the State; it is a **constitutional sentinel standing at the gateway to public employment**. The Constitution places upon it, the solemn responsibility of ensuring that entry into public service is governed by merit, fairness, transparency and equality of opportunity, unsullied by patronage or influence. **To a job aspirant who spends the prime years of life preparing for a competitive examination, the Commission represents a constitutional promise that neither money nor muscle, neither proximity to power nor pedigree, will steal a march over merit. Recruitment malpractice, therefore, is not a mere procedural aberration capable of being brushed aside as an**

irregularity in an examination. When marks are manipulated, answer scripts or OMR sheets are tampered with, selections are purchased, or nepotism and favouritism creep into the process, the fraud is not merely upon an unsuccessful candidate; it is a fraud upon the Constitution itself.

31. Every undeserving candidate who enters public service through a tainted process simultaneously shuts the door upon a deserving candidate who trusted the system. **The injury travels far beyond that recruitment cycle, for a person wrongfully inducted today may occupy public office for decades tomorrow. A constitutional institution entrusted with selecting the servants of the State must, therefore, remain like Caesar's wife—above suspicion; for once the purity of the fountain of recruitment is polluted, what flows from it cannot inspire public confidence. Recruitment to public service must consequently be fiercely protected from the tentacles of corruption, manipulation, nepotism and favouritism, lest the constitutional guarantee of equality of opportunity under Articles 14 and 16 be reduced from a**

living assurance into an empty parchment promise.

Recruitment scams in a Public Service Commission leave scars far deeper than the immediate illegality of a tainted selection. **They scar merit, corrode public confidence and ultimately wound democracy itself. A deserving aspirant displaced by corruption loses more than a job; he loses faith in the constitutional assurance that public employment is equally accessible to all.**

32. Thousands of young men and women spend the most productive years of their lives preparing for these examinations, often amidst considerable economic and personal sacrifice, believing that merit will ultimately have its day. **When a post is sold, an OMR sheet is tampered with, marks are manipulated or a selection is engineered, merit is not merely defeated; it is betrayed. Such betrayal breeds cynicism among the young and creates the dangerous perception that constitutional avenues themselves are available for purchase. A recruitment scam in a Public Service Commission in particular is not merely a theft of post; it is a theft of**

equality of opportunity. Therefore, an alleged scam in the Public Service Commission is no ordinary scam, it strikes at its roots of equality under Articles 14 and 16 and stains the sanctity of public administration. It is, therefore, necessary to strike a balance - between the imperative of an investigation which inspires confidence and the equally compelling necessity that such investigation be swift, focused and brought to its logical conclusion within a definite time frame.

33. In the peculiar facts obtaining in these cases, while I do not deem it appropriate to permit the investigation to continue either at the hands of the CID or the jurisdictional Police, I am equally not persuaded that entrustment to the CBI is the only available course. In exercise of the jurisdiction of this Court under Article 226 of the Constitution of India, I deem it appropriate to constitute a **Special Investigation Team**, comprising senior and experienced officers, to undertake the investigation. It is in public domain that the Enforcement Directorate have also registered the ECIR pursuant to the two predicate offences noted hereinabove and are investigating the matter into, of the offences under the

Prevention of Money Laundering Act, 2002. In that light, the Special Investigation Team shall also extend such cooperation to the Enforcement Directorate as well, in furtherance of the investigation now directed.

34. For the *praefatus* reasons, I pass the following:

ORDER

- i. A **Special Investigation Team (SIT)** is hereby constituted comprising the following officers:
 - (a) **Sri Alok Kumar, IPS**, Director General of Police, presently Director General and Inspector General of Prisons — **Head of the Special Investigation Team**;
 - (b) **Dr. Divya Gopinath, IPS**, presently Director, Forensic Science Laboratory of the State, in the rank of Inspector General of Police;
 - (c) **Sri Anup Shetty, IPS**, Deputy Commissioner of Police;
 - (d) **Sri Kushal Chouksay, IPS**, Superintendent of Police; and
 - (e) **Sri Shama Mishra, IPS**, Deputy Commissioner of Police.

- ii. The SIT shall undertake a **de novo investigation** into the allegations forming the subject matter of **Crime Nos.78 of 2026 and 89 of 2026**, and all matters legitimately arising therefrom in the course of investigation.
- iii. The investigation shall not be confined or shackled by the persons presently named, the allegations presently made or the contours presently perceived. If the evidence gathered during investigation reveals involvement of any other person, offence, transaction or act, having a nexus with the subject matter of investigation, the SIT shall **follow the evidence wherever it leads**, strictly in accordance with law.
- iv. The SIT shall extend cooperation or receive information from the Enforcement Directorate which have registered the ECIR on the subject predicate offences, in furtherance of the investigation now directed.
- v. The SIT shall complete the investigation and place its **final report before this Court within 100 days from the date it commences investigation.**
- vi. The progress of investigation shall be placed before this Court **once in every 30 days**. On every such occasion, the learned State Public Prosecutor shall place before the Court the records reflecting the progress of

investigation and shall remain physically present to assist the Court.

- vii.** The **CID**, which is presently conducting the investigation from **08-09-2026**, shall hand over to the SIT the entire records, papers, documents, material, electronic evidence and all other evidence collected during investigation till date, within **one week from the date on which this order is uploaded on the website of this Court.**
- viii.** Likewise, the jurisdictional Police investigating **Crime No.78 of 2026** shall hand over to the SIT, within the aforesaid period of **one week**, the entirety of the investigation records, papers, documents, material and evidence in its possession.
- ix.** Upon such transfer, the CID and the jurisdictional Police shall **cease further investigation** into the aforesaid crimes, save and except to render such assistance, as may be sought by the SIT.
- x.** All departments, investigating agencies, public authorities and officers concerned shall extend **complete and unstinted cooperation** to the SIT and shall furnish such records, information, material, technical assistance or personnel, as may be requisitioned by it for the purpose of investigation.

- xi.** The SIT shall be at liberty to avail itself of such **forensic, cyber, financial, technical or other specialised assistance** as may become necessary for an effective investigation.
- xii.** The SIT shall conduct the investigation **independently, impartially and uninfluenced by any observation made in this order on the merits of the allegations.**
- xiii.** All observations made herein are confined to the necessity, nature and agency of investigation and shall not be construed as findings touching upon the guilt, innocence or culpability of any person.
- xiv.** The State Government shall forthwith issue a notification declaring the SIT now constituted, to be a police station for the purposes of investigation.
- xv.** No officer or authority, save in accordance with law, shall interfere with, impede or otherwise influence the course of investigation entrusted to the SIT.
- xvi.** The prayers for **quashment of the crimes/proceedings in the connected criminal petitions shall be considered after receipt of the report of investigation from the Special Investigation Team.** Those petitions shall, therefore, remain pending for consideration.

Ordered accordingly.

List all these matters for further hearing on 5th January, 2027.

Pending applications if any, would be considered on the next date of hearing.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

bkp