HIGH COURT OF KARNATAKA

Bench: Hon'ble Mr. Justice N S Sanjay Gowda

Date of Decision: 11th March 2024

Writ Petition No. 14053 of 2015 (GM-RES)

XXX, Retired District and Sessions Judge .....Petitioner

Versus

High Court of Karnataka and Others .....Respondents

Legislation:

Article 226 of the Constitution of India

Subject:

The writ petition seeks the removal of an online news report alleging the petitioner's "unacceptable intimacy with a stenographer" and related issues from the website of The New Indian Express. It also addresses matters regarding the initiation and conclusion of a departmental inquiry against the petitioner and seeks damages and various judicial orders against respondents.

Headnotes:

Judicial Inquiry and Defamation – Discretion of Court – The High Court of Karnataka dealt with a writ petition concerning allegations of judicial misconduct and subsequent media publication, questioning the appropriateness of disciplinary proceedings and media reportage. The court examined the legal and ethical obligations of judicial inquiry and media in reporting sensitive matters pertaining to allegations of judicial misconduct. [Para 3-14, 57-61]

Disciplinary Proceedings Against Judicial Officer – held – The disciplinary inquiry against the petitioner, a former District and Sessions Judge, was conducted following allegations of misconduct. The court found that the administrative and full court’s decisions not to accept the inquiry report

exonerated the petitioner. The writ regarding the initiation of these proceedings and subsequent reporting in the media was examined, emphasizing the judiciary's responsibility in conducting impartial inquiries. [Para 42-50]

Media Reporting and Judicial Conduct – emphasized – The court highlighted the responsibilities of media outlets in reporting cases involving judicial officers. It emphasized the need for accurate, complete, and ethical reporting, especially in sensitive cases involving allegations of judicial misconduct. The court imposed a fine on a media house for reporting partial facts, which led to misinformation and damage to the judicial process and the petitioner's reputation. [Para 57-61]

Leak of Confidential Inquiry Report – Directed Inquiry – The court ordered an inquiry into the leak of the confidential report from the judicial inquiry to the media, emphasizing the need for maintaining confidentiality in judicial inquiries and safeguarding the integrity of judicial processes. [Para 40-41]

Reliefs and Compensations – Rejected and Awarded – The court dismissed most of the petitioner's prayers, including the request for compensation from the High Court. However, it directed the respondent media house to pay costs for irresponsible reporting. The judgment reflects the balance between judicial integrity, accountability, and media freedom. [Para 51-52, 62]

Referred Cases: None.

Representing Advocates:
For Petitioner: Party-in-person
For Respondents: Various, including Sri Udaya Holla, Senior Counsel, and Sri M.N. Umashankar, Advocate

ORDER

1. The facts as could be ascertained from the record of this case (including the synopsis submitted by the parties) are as follows:

2. The petitioner is a Former District and Sessions Judge who was appointed on 15.05.1996 and has retired on attaining the age of superannuation on 30.04.2014.

3. On 04.02.2011, a complaint was lodged by three (3) Advocates with Hon'ble the Chief Justice, High Court of Karnataka, Bangalore. In said complaint, there were certain allegations of the petitioner having illicit relationships with two women, apart from alleging acts of financial impropriety. This complaint was sent to the Registrar (Vigilance) and was registered as HVC.No.15/2011.

4. On 14.02.2011, Hon'ble the Chief Justice ordered the Registrar (Vigilance) to conduct a discreet inquiry and submit a report.

5. On 05.08.2011, the Registrar (Vigilance) submitted a report after conducting a discreet inquiry and this report was placed before Administrative Committee No.1 of the High Court.

6. On 16.08.2011, said Administrative Committee No.1 considered the report submitted by Registrar (Vigilance) and resolved that a departmental inquiry be initiated against the petitioner, with a direction to the Registrar General to prepare the Articles of Charges and Statement of Imputations, along with a list of documents and witnesses. This resolution was approved by Hon'ble the Chief Justice.

7. On 05.09.2011, a chargesheet was framed laying out six (6) charges against the petitioner. The petitioner on 21.11.2011 submitted his reply to the charges levelled against him.

8. On 30.05.2011, Hon'ble the Chief Justice of this Court appointed a sitting Jude of this Hon'ble Court as the Inquiry Authority. The petitioner submitted his defence in the form of statement of objections and also additional statement of objections. An inquiry was thereafter conducted, during the course of which 5 witnesses were examined on behalf of the High Court and they were also cross-examined by the petitioner. The petitioner also examined himself before he was cross-examined by the presenting officer of the High Court. In all, 92 documents were produced by the High Court, while 91 documents were produced by the petitioner to establish their respective cases.

9. On 30.05.2013, the inquiry Authority prepared a report, in which it was held that out of six charges, Charges No.I, IV and V and Part I of Charge

VI were held to be proved, while Charge No.II and Part-II of Charge No.VI had been partly proved, and Charge No.III was not proved. The inquiry Report was placed before the Disciplinary Authority and a show-cause notice was issued to the petitioner asking him to show-cause as to why action should not be initiated against him in respect of the charges which had been held to be proved. The petitioner accordingly submitted his reply to the show-cause notice.

10. On 18.11.2013, the findings of the Inquiry Officer that the charges were proved were not accepted by the Administrative Committee (as indicated in Para 19 of the written statement filed by the High Court in O.S. No.25/2015).

11. On 20.12.2013, an Article was published in the New Indian Express Newspaper in the front page with the title, "*Judge Guilty of 'Unacceptable Intimacy with Steno': HC*

Report". The said Article reads as follows:

"Judge Guilty of 'Unacceptable Intimacy' With Steno: HC Report
Bangalore: A sitting city civil and sessions judge misused his power to develop intimacy with women subordinates, favour a book distributor and hire improperly, a High Court inquiry has concluded.

Bangalore Principal City Civil Court Judge .... is guilty on five of six charges, including hiring where no vacancies existed an paying a printer twice for the same work, Justice N Ananda of the Karnataka High Court, who conducted the inquiry, has stated in his report.

Justice Ananda was appointed to the inquiring authority by a disciplinary committee headed by the then Chief Justice Vikramjit Sen on April 16, 2012. He completed his report on May 30, 2013.

The disciplinary committee is likely to take a decision on .....'s future soon.

Charge 1: Calls and Messages at Odd Hours:

In 2006, ... (referred to in the report as Delinquent Judicial officer or DJO) allegedly misued his official position and developed intimacy with a young stenographer working under him.

Serving as Registrar (Vigilance) in the High Court from January 20, 2005 to December 18, 2006, ... reportedly exchanged “in-numerable phone calls” and text messages with her over his official cell phone.

He also used the official land line at his house to call her from morning to midnight. The report says he called her “even during holidays” and after his transfer, “continued socially unacceptable intimacy with her”.

..... defended himself saying he had been in contact with her to prepare for the golden jubilee celebrations of the High Court.

After .....’s transfer to Kolar as Principal District and session Judge, he said, he had been advising her as her mother wanted to sell property. Justice Ananda’s report concludes inference of illicit intimacy is proved, and the conversations amounted also to “misuse of the official cell and landline”.

The report says ..... could not have dictated notes and reports though SMS and voice calls at odd hours. “I have held that the defence of the DJO on facts is highly improbable and not credible,” Justice Ananda stated.

Charge No.2:

On another charge, the report says the evidence is not sufficient “to infer that DJO had illicit intimacy,” but concludes ..... is guilty of “dereliction of duty” in appointing a lady typist.

When he was principal District and Session Judge in Bagalkot between February 7, 2001 and May 18, 2003, he appointed a lady typist of Belgaum with whom, the charge went, he had developed “a similar intimacy”.

He reportedly appointed her as typist in the Bagalkot district judicial unit and she worked with him for his entire term in Bagalkot.

While appointing her, her residential address was shown as Madnur village of Koppal taluk. This was allegedly done to conceal the fact that she was a candidate from Belgaum. When she was appointed in the Agricultural department in April 2009, her pay scale was fixed in continuity, taking into consideration her service in the Judicial Department.

The report concludes ..... had not probed the matter "to find out the motive for such concealment of fact."

Justice Ananda observed in the report that Tagadi had failed to maintain absolute integrity and had conducted himself "in a manner which is unbecoming of a judicial officer, which is misconduct." "The Duty of DJO to record correct information in the service register cannot be over looked," states Justice Ananda. "I hold DJO guilty of dereliction of duty".

Charge No.3:

It was alleged that Tagadi, while working as member secretary at the Karnataka State Legal Services Authority (KSLSA), had appointed a junior assistant and sexually abused her, and "in consideration", secured an appointment for her brother in the Mysore district unit.

Justice Ananda Concluded this charge was not proved "In my considered opinion, evidence adduced by State is hardly sufficient to prove this charge." "The Registrar (Vigilance) had not taken pains to find out whether… (her brother) was appointed by him as alleged in charges. Therefore, I hold Charge No 3 is not proved," Justice Ananda states.

Charge No.4

While Tagadi was member secretary of KSLSA, he allegedly bought books for Rs.50.83 lakh without calling for quotations. This allegedly violated a resolution of the general body for the district legal services authorities and taluk legal services committees. Justice Ananda concludes that ..... had not called for quotations, as charged, and "invented a story," saying the files were missing. To strengthen the story, he allegedly directed the KSLSA assistant secretary to lodge a complaint.

"The police, as the circumstances did not warrant investigation, closed investigation by issuing an endorsement that they were not be able to trace file even after enquiring with concerned officials," the report states.

Justice Ananda says the failure of ..... to act against the custodian "would fortify the conclusion that file was not missing".

..... was aware that he would land in further trouble if he were to initiate an inquiry into the so-called missing files story. Chare No 4 is proved, the report says.

Charge No.5

While working as member secretary of KSLSA Authority, ... allegedly made double payments to help Raja Printers. The bill for invitation cards of the valedictory ceremony of the Mega Lokadalat, on March 28, 2009, came to Rs.51,796.

Justice Ananda observes, "..... passed two orders despite the deputy secretary of KSLSA raising objections… Such payments are made apparently to show undue favour to Raja Printers and for extraneous considerations. The over payment never came to be recalled." The charge is proved, says the report.

Charge No.6

While working as member secretary of KSLSA, ... allegedly made three appointments without verifying candidates' records.

Justice Ananda concludes that .....'s defence, that he acted in good faith, "falls to the ground", and warns that "appointment of candidates in SC & ST category, without obtaining caste and validity certificates from concerned authorities, would attract penal consequences."

..... also recruited two women to the permanent Lok Adalat, Dharwad, but they were not allowed to report on the grounds that there were no vacant posts.

Justice Ananda says ..... made these appointments by picking the candidates from the waiting list. ..... ma reportedly did not check if candidates in the main list had reported for duty, and helped his appointees jump the queue. Justice Ananda says this amounts to dereliction of duty, resulting in KSLSA facing litigation."

12. On 21.12.2013 i.e., the day following the publication of the news article, the inquiry Report and the Resolution of the Administrative Committee were placed before the Full Court of this Court, and the Full Court resolved to drop and close the proceedings that had been initiated against the petitioner.

13. On 20.03.2014, the Registrar (Vigilance) addressed a confidential communication informing the petitioner that the Full Court in its Resolution dated 21.12.2013 had resolved to drop and close the proceedings initiated against the petitioner in D.I. No.5/2011.

14. On 30.04.2014, the petitioner retired from service upon attaining the age of superannuation.

15. On 18.06.2014, the petitioner caused issuance of legal notices to respondent Nos.2 and 3, in which, apart from making several assertions, he demanded a sum of Rs.10 crores as damages for the mental agony, humiliation and torture suffered by him. He contended that he had to undergo the trauma of facing an inquiry only because of the wrongful action taken by respondent Nos.2 and 3 in the matter of initiation of disciplinary inquiry against him. To this, respondent Nos.2 and 3 issued replies dated 30.07.2014 and 07.07.2014 respectively.

16. On 01.08.2014, the petitioner caused the issuance of legal notice to the Newspaper, its Editors and its Reporters, calling upon them to pay a compensation of Rs.10 crores.

17. On 25.08.2014, an interim reply was given by the Newspaper stating that the Newspaper was looking into the matter and would get in touch with the petitioner within four weeks.

18. Once again, on 11.08.2014, the petitioner caused issuance of one more notice, not only to respondent Nos.2 and 3, but also to respondent Nos.4 and 5. Respondent No.4 sent a reply dated 17.09.2014 to this notice, while respondent No.5 issued a reply on 10.09.2014.

19. On 11.10.2014, respondent Nos.7 to 13 issued a reply to the petitioner's legal notice dated 01.08.2014.

20. On 17.10.2014, the petitioner also caused the issuance of a legal notice to the High Court seeking initiation of appropriate action and departmental inquiry against all the delinquent Judicial Officers and respondent No.6. He also sought action to be taken against the Registrars and officials of the High Court who are responsible for clandestinely releasing the report of the inquiry Authority to the Press, and ultimately, to pay the compensation of Rs.10 crores.

21. On 19.12.2014, the petitioner instituted a suit in O.S.No.25/2015 before the City Civil Court, Bengaluru against the respondents herein, claiming damages of Rs.50 lakhs with the assertion that he had been defamed. Thereafter, on 01.04.2015, the petitioner has presented this Writ Petition praying for the following reliefs:

> "(a) Issue a Writ of Mandamus or any other appropriate Writ directing the Respondents to take steps to remove or take out the Report/News under the heading - "Judge Guilty of 'Unacceptable Intimacy with Steno. H.C. Report" from the Website of Respondent No. 13;
>
> (b) Issue a Writ of Mandamus or any other appropriate Writ directing the Respondent No. 1 High Court of Karnataka to provide to the Petitioner the names of the Hon'ble Chief Justice and the Hon'ble Judges who were the members of the Administrative Committee No.1

who approved and framed Article of Charges and Statement of Imputations.

(c) Issue a Writ of Mandamus or any other appropriate Writ directing the Respondent No. 1 High Court of Karnataka to provide to the Petitioner the names of the Hon'ble Chief Justice and the Hon'ble Judges who were the members of the Administrative Committee No.1 who did not accept the reply submitted by the Petitioner with request to drop all the charges leveled against him, decided to proceed with the Domestic Inquiry and appointed the Inquiry Authority,

(d) Issue a Writ of Mandamus or any other appropriate Writ directing the Respondent No.1 High Court of Karnataka to furnish the certified copies of the Documents rejected by Endorsements and Intimations **ANNEXURES-AE, ANNEXURE-AF, ANNEXURE-AG, ANNEXURE-AH, ANNEXURE-AI, ANNEXURE-AJ and ANNEXURE-AK.**

(e) Issue a Writ of Mandamus or any other appropriate Writ directing the Respondent No.1 High Court of Karnataka to file complaint to the Jurisdictional Police or order for an investigation by any independent Investigation Agency to find out who has clandestinely released **ANNEXURES - Y** the Report of the Hon'ble Inquiry Authority to the Respondents No.7 to 13;

(f) Issue a Writ of Mandamus or any other appropriate Writ directing the Respondent No.1 High Court of Karnataka to take action against the Respondents No.2 P. Krishna Bhat, Respondent No.3 Smt. Kotravva Somappa Mudagal, Respondent No.4 Vishwanath V. Angadi, Respondent No.5 Sunil Kumar Singh and Respondent No. 6 B.A.Patil under the he High Court of Karnataka (Vigilance Cell)(Functions) Rules, 1971 and/or under any other Rule/s governing the service of the Respondents No.2 to 6 and.

g) Issue a Writ of Mandamus or any other appropriate Writ directing the Respondent No. 1 High Court of Karnataka Respondents to pay a compensation of Rs.10,00,00,000-00/- in the interest of justice and equity."

22. For the sake of convenience, the prayers made by the petitioner are separately considered.

Regarding Prayer (a):

23. This prayer of the petitioner to direct the respondents to remove the report which was published on the website of respondent No.13 would not survive for consideration, since respondent No.13 has stated in Paragraph 3 of its Objections that the publication in question had been taken down form their website, and the same is extracted herewith:

> "3) It is submitted that, the reliefs sought for in so far as these respondents are concerned are Prayer (a) and (e) only. The prayer (a) has become infructuous as these respondents have deleted the Article which is the subject matter of the Writ Petition. Thus, in so far as prayer No (a) is concerned, the Writ Petition has become infructuous."

Regarding Prayers (b) and (c) :

24. During the pendency of this Writ Petition, the petitioner made an application in I.A. No.1/2016 to implead the then Hon'ble Chief Justices J.S.Kehar and Vikramjit Sen, who subsequently served as Judges of the Hon'ble Supreme Court, as respondent Nos.14 and 15. This Court after hearing the matter exhaustively came to the conclusion that the request of the petitioner to implead the Hon'ble Judges was untenable. This Court held that the decision taken by the Administrative Committee or by Hon'ble the Chief Justice to initiate an inquiry against a Judicial Officer was always an administrative decision and not a personal one. This Court also took the view that the grievance of the petitioner was only against the High Court for having been subjected to a departmental inquiry and since the High Court was already arrayed as respondent No.1, it was open for the High Court to defend its decision, and the *lis* could be decided without impleading the aforementioned Hon'ble Judges. Accordingly, this Court dismissed said application.

25. In light of this order, prayers (b) and (c) sought by the petitioner would not survive for consideration, in view of this order which has attained finality since the petitioner has not stated anywhere that he had challenged the same.

26. Similarly, the prayer to provide the petitioner the names of the then Hon'ble Chief Justice and the Members of Administrative Committee No.1, who did not accept the reply submitted by him cannot also be entertained on the very same analogy.

Regarding prayer (d):

27. The request of the petitioner for certain documents have been refused on the ground that the High Court of Karnataka (Vigilance Cell Functions) Rules, 1971 ("**the Vigilance Rules**") and Rule 8 of Chapter 18 of the High Court of Karnataka Rules, 1959 did not provide for the same. In his request, the petitioner had sought the following documents:

> "I have been informed by letter dated: 20-03-2014 that the Hon'ble Full Court, by its Resolution dated:21-122013, has resolved to drop and close the proceedings initiated in D.I. No.5/2011.
>
> I had filed an application for furnishing the certified copies of certain documents mentioned in my application. I was informed that since the matter is pending consideration of the Hon'ble Committee No.1, the certified copies cannot be issued. Since the Hon'ble Full Court, in its Resolution dated: 21-12-2013, has resolved to drop and close the proceedings initiated in D.I. No.5/2011 against me, I may be furnished with the certified copies of the following documents:-
>
> (1) The entire records including evidence, exhibited documents, order sheet in D.I. No:5/2011.
>
> (2) Entire Notes Sheet in H.V.C. No. 15/2011.
>
> (3) Office Note placed before the Hon'ble Administrative Committee No.1 in its Meeting dated:16-08-2011 by the Registrar regarding consideration of the report of the Registrar Vigilance against me.
>
> (4) Office Note put up by the Registrar to the Hon'ble Administrative Committee No.1 on the basis of my reply to the Articles of Charges and Documents produced by me.
>
> (5) The Resolution of the Hon'ble Administrative Committee No.1 accepting or rejecting the report of the Hon'ble Inquiry Authority along with the

Notes of the Hon'ble Members of the Administrative Committee No.1, if any.

(6) The Resolution dated: 21-12-2013 of the Hon'ble Full Court to drop and close the proceedings initiated in D.I. No.5/2011 against me with Notes of the Hon'ble Judges, if any.

I am ready to pay necessary charges for furnishing certified copies of the above said documents.

Yours faithfully,

Sd/-

(.....G. .....) BANGALORE

Principal City civil and

DATE: 22-03-2014 Sessions Judge, Bangalore"

28. It is also pertinent to consider Rule 4 of the Vigilance Rules, which reads as follows:

"4. The Special Officer and all the members of the staff of the Vigilance Cell shall observe strict and absolute secrecy and shall not in any manner divulge any information which may come to their knowledge in the course of the work."

29. As could be seen from the above-extracted Rule, the

Special Officer and all the members of the staff and Vigilance Cell under the direct control of Hon'ble the Chief Justice are statutorily required to observe strict and absolute secrecy and should not, in any manner, divulge any information which may come to their knowledge in the course of their work. This would thus indicate that any information that is received in relation to the matters which the Special Officer is empowered to deal with under the Rules are absolutely confidential in nature.

30. The matters which a Special Officer is required to deal with includes undertaking an inquiry in any transaction in which a Judicial Officer is suspected or alleged to have acted for an improper purpose and also for causing an inquiry or investigation to be made in the event of any complaint

being received against a Judicial Officer regarding the exercise of his powers for improper or incorrect action or on a complaint of corruption against misconduct and lack of integrity. It is therefore clear that the intent of the Rules is to ensure that any document that is received in relation to a complaint of improper behaviour of a Judicial Officer are absolutely confidential in nature. These documents may form the basis of a formal inquiry that is to be conducted under the Misconduct Rules. However, the basis for forming an opinion cannot be demanded by a Judicial Officer as a matter of right. If a Judicial Officer is permitted to demand the notings or the documents preceding the initiation of an inquiry, the very purpose of Rule 4 to keep the entire nature of inquiry contemplated in the Vigilance Rules as confidential, would be defeated.

31. It is also to be kept in mind that if the complaints that are received and the discreet inquiry that is conducted is allowed to be furnished to an applicant, the damage to the functioning of the judicial system would be immense. A complaint can be sensationalised or quoted in a completely different context and thereby impair the functioning of the judicial officers manning the system. It is for this reason that the complaint, the proceedings of the inquiry conducted, and the materials collected during the course of such inquiry is statutorily made confidential.

32. It is to be borne in mind that if the aforementioned Vigilance Report justifies the taking of further steps, such as conducting a disciplinary inquiry, the delinquent Judicial Officer would be served with the Articles of Charges, Statement of Imputations, and also the documents upon which the Disciplinary Authority wishes to place reliance on for proving the guilt of a Judicial Officer, along with the list of witnesses that the Disciplinary Authority wishes to depose in support of the allegations, to a Delinquent Judicial Officer. It is thus clear that the Judicial Officer would only be entitled to the documents on the basis of which the allegations of wrongdoing are made against, and he cannot seek the reasons or the notings made in the file preceding the filing of a chargesheet. In this view of the matter, the claim of the petitioner for being furnished with the certified copies of the aforementioned documents cannot be sustained.

Regarding Prayer (e):

33. The petitioner contends that the inquiry Report was deliberately and illegally made available to the Press to defame, malign and tarnish his name and reputation and also to influence the decision of the Full Court. The petitioner,

however, does not categorically state as to which person or Officer this wrongdoing and leakage can be attributed to.

34. However, the fact remains that a summary of contents of the inquiry Report dated 30.05.2013 was published in the New Indian Express Newspaper on 20.12.2013, and it is thus clear that the contents of the inquiry Report were made known to the reporter and the Newspaper.

35. As already stated above, the petitioner had issued a legal notice to the Newspaper which had initially given an interim reply and had thereafter given a detailed reply on 11.10.2014. In this reply, it is stated as follows:

> "11. As regards the allegations made in this para, my clients state that since the said impugned article was a sensitive matter concerning the reputation of a person, who was a member of the lower Court judiciary my clients intended to satisfy themselves about the authenticity of the said report. Hence my clients approached the Hon'ble Judge who conducted the Enquiry and sought to verify whether such an enquiry finding was held against the said officer. My client's reporter went and met the said Hon'ble Judge of the High Court who conducted the Enquiry, the said Hon'ble Judge informed my client's reporter that whatever he had to say was contained in the said report and he had nothing else to add to the said report. Thus my clients took all precautions to satisfy themselves about the genuineness of the report and that the report was not created by any fabrication by any person.
>
> 12. Further my clients also took every precaution with regard to the enquiry report which was contained in the publication of the impugned article in satisfying themselves, even when they approached the Registrar General and sought to confirm the genuineness of the enquiry finding and check on the status of the report, with to regard taking further action on the said enquiry finding. The said Registrar General did not deny the Enquiry finding nor did he mention that the said report was being considered by the Disciplinary Committee, nor informed my clients reporter of any further action taken by Hon'ble High Court of Karnataka in respect of the said enquiry report.
>
> 13.My clients further state that in the interest of fairness, they always wanted to carry both versions in respect of the subject matter. Hence

my client's reporter went to your client's office to confirm the facts in connection with the said Enquiry Report and he refused to meet my client's reporter and further your client's P.A after consulting your client stated that your client did not wish to discuss further in the matter."

36. A reading of said reply would indicate that the inquiry Authority did not furnish the report to the Newspaper. This reply also indicates that the Registrar General did not furnish the inquiry Report, and the Registrar General, in fact, neither denied nor mentioned about the existence of said report. Despite the fact that the inquiry Authority and the Registrar General had not furnished the Report to the Newspaper, the report has, nevertheless, landed in the hands of the Newspaper and it is asserted that the article only mentions the contents stated in the Report.

37. It is to be noticed here that a departmental inquiry is a proceeding in which the employer is judging the conduct or misconduct of its employee in relation to the terms of the employee's employment. In that sense of the term, the proceeding between an employer and an employee cannot be considered to be a public proceeding. If it is borne in mind that the inquiry was in relation to an allegation relating to an immoral behaviour of a Judicial Officer and contained allegations of illicit relationships, there was an inherent responsibility vested with the Newspaper to ensure that the entire proceedings were kept out of public domain. The publication of an inquiry report arising out of a proceeding in which there are allegations of illegal intimacy, which was yet to be accepted, would not only impinge upon the character of the delinquent Officer, but would also cause immense damage to the character and privacy of innocent people who were unconnected with the inquiry.

38. The petitioner had addressed a communication dated 17.10.2004 (a copy of which is produced as Annexure-J to the Writ Petition) to the High Court, whereby he had requested the High Court to initiate appropriate action against all concerned, along with a specific request to take action against the officials of the High Court who are responsible for clandestinely releasing the report of the inquiry Authority.

39. The High Court, in its counter, has not denied the receipt of the legal notice (*vide* Para 18 of its objections) in response to the reference to the notice which was made in Para 20 of the Writ Petition. There is also no record

produced to indicate that this request of the petitioner to conduct an inquiry was considered.

40. In a case where a Senior Judicial Officer alleges that an inquiry Report, in which allegations of impropriety has been made against him, was leaked to the Press and had been published before it was even accepted/rejected by the Disciplinary Authority, it would be in the fitness of things and also a duty cast on the High Court to conduct an inquiry and determine how the inquiry Report reached the hands of the Newspaper.

41. It is also to be borne in mind that in disciplinary proceedings wherein grave allegations are made against Judicial Officers, there is a solemn responsibility cast upon all concerned to ensure that attempts made to sensationalise any issue(s) arising therein are thwarted. The ultimate conclusion of an inquiry would be expressed in clear terms, but any attempt made during the course of the proceedings to pre-empt the conclusion would have a detrimental effect on the entire process of the inquiry. It is, therefore, necessary that an inquiry be conducted by the High Court as to how the inquiry Report dated 30.05.2013 became available to the Newspaper.

Regarding prayer (f):

42. In support of this prayer, the petitioner has advanced several contentions in his pleadings and has also put forth elaborate and exhaustive arguments that he was subjected to an inquiry on charges which had absolutely no basis and that the entire process was motivated. Arguments were advanced with the ultimate aim of ensuring that action be taken against the Officers who, in his view, were responsible for the improper initiation of the inquiry.

43. In my view, this argument and aim of the petitioner would be a futile exercise given the fact that the inquiry Report submitted against him was not accepted by the Administrative Committee, and, more importantly, the Full Court. If the charges levelled against the petitioner, even though held to be proved in part by the inquiry Authority, is ultimately not accepted by the Full Court, the petitioner, in essence, was exonerated; and therefore, to then try and turn the clock back to determine whether there was a justification in initiating the inquiry or not would be an unnecessary and a futile exercise.

44. It is also to be stated here that if the arguments of the petitioner are accepted and it is held that there was no justification to hold an inquiry, no useful purpose would be served except probably satisfying the petitioner’s pride.

Similarly, if the arguments advanced by the petitioner are not accepted and if it is held that there was indeed a justification for holding an inquiry, no useful purpose would be served and, in fact, it would amount to sitting in judgment over the decision of the Full Court, which was ultimately in favour of the petitioner.

45. It is also to be stated here that respondent Nos.2 to 6 were not the persons capable of taking a decision in the matter of initiation of the disciplinary inquiry. Respondent Nos.2 to 6 have merely acted on the instructions given by the appropriate Authorities to discharge a duty that they were meant to do and the appropriate Authority, on consideration of the material that was placed before it, ultimately took the decision to conduct the disciplinary inquiry. The petitioner appears to proceed on the footing that the reports were *fait accompli* in the matter of holding an inquiry against him, which is obviously incorrect. The Administrative Committee, comprising of 5 senior-most judges of this High Court and Hon'ble the Chief Justice, would not be bound by the report or persuaded by it unless they were satisfied that the matter deserved an inquiry.

46. As stated above, given the allegations, a decision was taken to ensure that the truth of the matter could be ascertained and an impression should not be given that the matter was not taken seriously. It may so happen that, in hindsight, the decision to initiate departmental proceedings may or may not appear to be justified.

However, in a case where there are serious allegations made against a Senior Judicial Officer, the Administrative Committee, as well as Hon'ble the Chief Justice, would be absolutely justified in initiating a departmental inquiry in order to clear any ambiguity or allegation of impropriety against a Judicial Officer.

47. If an employer such as the High Court were to take the view that it would be appropriate to clear the cloud hanging over a Judicial Officer's conduct by way of conducting an inquiry in light of serious allegations, such a decision cannot be found fault with. It should also be stated here that the materials which were unearthed at the stage of holding a discreet inquiry found the basis for initiation of the departmental inquiry would be beyond the scrutiny of the Courts. Similarly, the Officers who conducted the preliminary inquiry and had placed the materials before the Administrative Committee and

Hon'ble the Chief Justice, cannot be proceeded against merely because ultimately it was found that the inquiry report did not deserve acceptance.

48. In this particular case, it is to be borne in mind that, ultimately, the Administrative Committee, on receipt of the inquiry report, disagreed with the finding of the inquiry Authority, which, by itself, indicates that merely because an inquiry report was submitted, the same was not blindly accepted. The decision of the Administrative Committee to not accept the inquiry Report indicates that the matter was thoroughly analysed and a conscious decision was taken not to accept the inquiry Report. Since the inquiry Report was not accepted by the Administrative Committee, the elaborate and exhaustive attempt made by the petitioner to satisfy this Court that there was no justification for making charges against him and for holding an inquiry in respect of those charges, would not merit consideration. Furthermore, the Full Court has thereafter concurred with the view of the Administrative Committee and decided to drop the proceedings. Thus, no matter what was stated in the inquiry Report, ultimately, the Full Court took a conscious decision not to accept the report and decided to close the proceedings.

49. In light of the fact that the entire inquiry initiated against the petitioner stood concluded by the decision of the Full Court to not accept the inquiry Report, the exhaustive arguments made by the petitioner to convince this Court that the material on the basis of which the chargesheet was laid and the decision to initiate the disciplinary inquiry was unjustified, would essentially be an unnecessary exercise.

50. The petitioner did submit elaborate arguments and took great pains to try and satisfy this Court that the initiation of proceedings was itself vitiated. He also relied upon numerous judgments to fortify his contentions. It would not be necessary to burden this judgment with those citations since they deal with various facets of an inquiry and principles of service jurisprudence, and would not really be relevant in the context of the present case. As stated above, on the conclusion of the inquiry proceedings in favour of the petitioner, any attempt or exercise made in respect of the correctness or otherwise of the inquiry, would be a futile and unnecessary exercise. I am, therefore, of the view that the prayer (f) cannot be granted either.

Regarding Prayer (g):

51. This prayer of the petitioner seeking compensation of Rs.10 crores from the High Court of Karnataka is thoroughly misconceived. The High Court, being the Highest Court of the State, is duty bound to ensure that Judicial Officers are above suspicion. If there is a written complaint alleging acts of impropriety against the petitioner, it was absolutely necessary for the High Court to get to the truth of the matter and ensure that the allegations are inquired into. The High Court would have failed in its duty had it chosen to ignore the complaint on technical considerations. The High Court was duty bound to take action in accordance with established procedures.

In the instant case, Hon'ble the Chief Justice had initially directed the Registrar (Vigilance) to conduct an inquiry, as provided under the Rules, and on receipt of the report and on being satisfied with the same, has ultimately formed an opinion that it would be essential to conduct a departmental inquiry to ensure that there was no impropriety on the part of the petitioner. If the High Court has acted in a manner so as to safeguard the larger interest of the judiciary, the argument of the petitioner that the High Court was liable to pay compensation of Rs.10 crores cannot be accepted. This prayer is, therefore, rejected.

52. Resultantly, it is clear that there is no justification to grant any of the prayers made in the writ petition.

53. However, before parting with the case, it would be necessary to state the following regarding one aspect of the disciplinary proceedings.

54. The Articles of Charge ought not to have mentioned/indicated the identity of the person(s) alleged to have been in an improper relationship, since those persons were judged to be in an immoral relationship, more so when they had neither been heard in the matter nor had they made any complaints against the petitioner. The charges, when read in isolation, would lead to the inference that that it was an established fact that they were in an improper relationship. This would infringe upon their privacy and would have a telling effect on their character and they would, in effect, be condemned unheard. In the event, and in the future, if similar complaints of infidelity are received and an inquiry is undertaken, care should be taken to ensure that the names of the persons involved in or connected with the matter are not mentioned.

55. Though the petitioner is held as not being entitled for any of the reliefs claimed in this petition, there is, however, yet another factor to be taken note of and dealt with.

56. In this case, it is noticed that the New Indian Express which published the Newspaper article in question, has acted in a manner unbecoming of a responsible Newspaper, and their reporters and Editors have also acted in an unacceptable matter. They have proceeded to publish an article in their Newspaper, which has large circulation, with the title "*Judge Guilty of 'Unacceptable intimacy' with Steno: HC Report*". The headline of this front page article would indicate that the Newspaper was already reporting as though the charges against the petitioner had already been established by a report of the High Court that a Judge had unacceptable intimacy with a Stenographer, and the Newspaper, thereafter, goes on to state the summary of each charge. Fortunately, said article does not carry the identities of the people involved.

57. This report ought not to have been published on 20.12.2013 in the manner that it was published, simply because the Administrative Committee, on 18.11.2013 itself, had already resolved to not accept the Report of the inquiring Authority dated 30.05.2013. In other words, nearly 6 months before the publication of the article in question, a decision not to accept the Report had already been taken, and yet, this crucial aspect of the matter is totally missing in the Newspaper article. This aspect of the refusal of the Administrative Committee to accept the inquiry report obviously had an enormous bearing on the entire issue, but this crucial information was not at all covered/reported by the Newspaper.

58. As already extracted above, from the reply sent by the Newspaper in response to the legal notice, the Newspaper admits that on securing information about the report, they approached the inquiry Authority, the Registrar General, and also the petitioner to secure their views before publishing the article. The Newspaper thus admits the fact that they did contact the inquiring Authority, the Registrar General, and the petitioner to ascertain their views on the inquiry Report. The fact that they have given a summary of each charge laid against the petitioner establishes the fact that they had full access to the contents of the Report.

59. In view of the above, it is incomprehensible that the Newspaper would not know of the procedure of the requirement of the inquiry Report having to be placed before the Administrative Committee for its decision, and thereafter placing the entire material before the Full Court for its final decision. The Newspaper cannot disown its responsibility of stating that it was unaware of

the decision of the Administrative Committee and that it did not therefore state that fact in its article. It is to be observed here that a leading Newspaper of the country which admits that it contacted the inquiring Authority, the Registrar General, and the petitioner before publishing the article in question cannot be permitted to state that it was unaware of the entire procedure relating to the inquiry. If it was unaware of the process, the publication of the article without ascertaining the entire process is, by itself, a glaring and unpardonable failure on its part.

60. The Newspaper also admits of the fact that the entire issue was sensitive in nature and it took precautions of contacting all concerned before publishing the article, and in light of this fact, it is clear that the failure on the part of the Newspaper to find out about the entire process relating to the inquiry process, given the sensitive nature of the issue, is definitely unprofessional, and this failure on their part has caused immense damage to the petitioner and also the entire judicial process of judging the conduct of a Judicial Officer.

61. In the impugned Newspaper article, it is stated that – "*the Disciplinary Committee is likely to take a decision on* .....'s future soon". This also indicates that they were aware that the Disciplinary Committee was required to take action on the Report. However, as already noticed above, the Administrative Committee had already resolved not to accept the Report and yet, this crucial aspect of the matter was, for reasons best known to the Newspaper, not mentioned. The article does not narrate the relevant factual aspect of the inquiry Report, but gives an impression that a decision would be taken. This action of the Newspaper in suppressing a vital fact has resulted in serious prejudice to the petitioner and also to the entire process of the inquiry. A responsible Newspaper such as the New Indian Express ought to have ascertained complete facts and ought not to have published an article with incomplete facts, more so when the matter was admittedly of a sensitive nature relating to a Senior Judicial Officer.

62. I am therefore of the view that that this would be an appropriate case to impose costs of Rs.10,00,000/- on respondent No.13 (the owner of the Newspaper), payable to the Karnataka State Legal Services Authority within two months from the date of receipt of a copy of this order.

63. Subject to this direction to the 13th respondent to pay costs to the Karnataka State Legal Services Authority, and the direction to the High Court to hold an

inquiry regarding the leakage of the inquiry Report to the Newspaper as stated in Paragraphs 40 and 41 of this order, this writ petition is ***dismissed***.