

Date: 08-Oct-2014

To
The Hon'ble President
Sri Pranab Mukherjee
Union of India
Rashtrapathi Bhavan
New Delhi 110 004

Copy to:

The Hon'ble Prime Minister of India
Sri Narendra Modi
Government of India
South Block, Raisina Hill
New Delhi -110 011

The Hon'ble Law Minister of India
Sri Ravi Shankar Prasad
Government of India
4th Floor, A Wing, Shastri Bhawan New
Delhi 110 001

The Hon'ble Minister (State)
Ministry of Personnel, Public Grievances
And Pension
Sri Jitendra Singh
Government of India
Sardar Patel Bhawan
Sansad Marg
New Delhi 110 001

The Hon'ble Attorney General of India
Sri Mukul Rohatgi
Government of India
N-234-A, Greater Kailash-I
New Delhi 110 048

The Secretary
Department of Personnel And Training
Sri Sanjay Kothari
Government of India
North Block
New Delhi 110 001

Subject: *The Constitution of India - The then Hon'ble Governor of Karnataka defies the authority of the Hon'ble President of India and when challenged, in a judgment without any precedent, the Hon'ble High Court of Karnataka rewrites a constitutional provision and validates the said act of the Governor:*

Fact: *The Government of Karnataka and the then Hon'ble Governor, Sri H.R.Bharadwaj have intentionally, deliberately and knowingly violated the Constitution of India by openly defying the authority of the Hon'ble President of India; when questioned in the Hon'ble High Court of Karnataka, the High*

Court went on to rewrite the constitutional provision and validate the said act of the Governor;

Statement of Law: *Article 317(2) of the Constitution states that, only after the Hon'ble President of India has made a reference to the Hon'ble Supreme Court of India for its opinion on whether to remove a certain member of a State Public Service Commission (SPSC) on ground of 'misbehaviour', the Governor would acquire a limited form of authority to suspend such a SPSC member from service; such an order of suspension would be valid until the President passes an order upon receipt of opinion of the Supreme Court;*

Event: *In the case of a member of the Karnataka State Public Service Commission, Dr.Mangala Sridhar who was incidentally identified with a political party that is a rival to that in administration in Karnataka, the then Hon'ble Governor of Karnataka, Sri H.R.Bharadwaj had openly defied the authority of the President of India by suspending her from Karnataka PSC even when he clearly knew that the President of India had never made any such reference to the Supreme Court – surprisingly, just two days before the results were declared with respect to the elections to the Lok Sabha. The Governor had, in inexplicable haste, wrongly and unconstitutionally suspended her on 14-May-2014 while election results were due to be announced on 16-May-2014.*

Request herein: *To the Hon'ble President of India to not process the said request sent by then Hon'ble Governor of Karnataka on the ground that the Governor of a State and the State Government have intentionally and knowingly defied his authority;*

Reason for such request: *The Constitution of our country would be gravely undermined when a State Governor and the State Government deliberately, intentionally and knowingly defy a constitutional mandate by usurping or disregarding the authority or the prerogative of the President of India as has been done in Karnataka. Should the President reward the State Government and State Governor by processing their request to him notwithstanding such blatant defiance of his authority, an act of intentional violation of the Constitution would have been encouraged thereby. The President of India must always enforce the Constitution of this country and should never let his actions reward those who have deliberately violated it.*

Result sought: *That the Hon'ble President of India express displeasure for such defiant and utterly unconstitutional act of the then Hon'ble Governor of*

Karnataka and of the Government of Karnataka and to thereby, refuse to exercise his authority to carry further, such unconstitutional act by the State Government and its Governor by dismissing the requests made to him on such ground of defiance of his authority. In short, to reject and return to the State of Karnataka, the requests that were sent by the then Governor of Karnataka with respect to Dr.Mangala Sridhar.

Respected Sir/Madam

1. My name is K.V.Dhananjay. I am an advocate in practice at the Hon'ble Supreme Court of India and High Courts including the Hon'ble High Court of Karnataka. I write here primarily in my capacity as a concerned citizen of this country.
2. One Mangala Sridhar is a 'scheduled tribe' girl who was born to and raised in a very humble family and surrounding. She had worked hard to come up in her life. She went on to do her Master of Arts (M.A.) in 'Folklore'. Then, she wanted to help her tribes even more and secured a Master in Philosophy (M.Phil.) in 'Folk Medicine'. Not content with that, she went on to secure a Ph.D. in 'Tribal Medicine'. Today, she takes great pride in being a member of her tribe and hides nothing of her humble beginning. She was thereafter, identified with a political party that is a rival to the party that is currently in power in the State of Karnataka. She came to be appointed as the Chairperson of the Karnataka Scheduled Tribes Development Board; she was eventually appointed as a member of the Karnataka Public Service Commission (KPSC).
3. On the other hand, a doctor in practice in London came down to Bangalore to write an examination for a Government post in Karnataka. She wrote her examination and thereafter, repeatedly herself called Dr.Mangala Sridhar, her father, brother and her personal assistant through her mobile phone. Two months afterwards, this London doctor approached the top Government Advocate instead of the anti-corruption police and complained that Dr.Mangala Sridhar had demanded a bribe to pass her in the interview and as she had refused to pay such a bribe, she came to be awarded lesser marks in her interview.
4. Incidentally, as a matter of fact that simply didn't matter to anybody, Dr.Mangala Sridhar was just one of four persons in this marks-committee and she has no control over what marks would be awarded by her peers. Now, did the London doctor actually fail in her examination? Not at all. She did pass the examination, though with lesser marks. After that complaint, all the frenzy and drama began.

5. Of course, if one would ask on why the London doctor did not do the easiest thing in the world, that is, to simply record the bribery phone conversation with Dr.Mangala Sridhar as she must have had plenty of opportunity to do so, one would be left gazing hopelessly because there is no answer to it. Going further, the State anti-corruption police in Karnataka, the Lokayukta, has a stellar record of trapping corruption accused live in their act of bribery and this doctor, everyone had wondered, could have simply got the Lokayukta's help to nab this Dr.Mangala Sridhar in the alleged act of demanding a bribe. This doctor from London did no such thing. If one would say that a doctor from London cannot be expected to know about the existence of the Lokayukta police in Bangalore or Karnataka, one should readily know that this doctor's father is in fact, currently serving as the Assistant Commissioner of a certain district in Karnataka and he was, in fact, previously raided by the Lokayukta police themselves on ground of illegal and disproportionate wealth – under the Prevention of Corruption Act, 1988. That raid was both noisy and messy for all that it went on to reveal as its catch. So, this doctor readily knew of the Lokayukta Police's existence. But chose a Government Advocate to go to and that too, a full two months after the alleged demand for a bribe.
6. Moreover, contrary to all of the above, Dr.Mangala Sridhar had herself complained to the Karnataka Public Service Commission, her employer, against this doctor from London on the ground that she had herself tried to bribe, threaten and intimidate her and her family members in demand for higher marks. Nobody took notice of this complaint. Yes, Nobody. This is after all, a tribal girl's word against a London doctor's word!
7. Nevertheless, the investigation ensued and a charge sheet came to be filed against Dr.Mangala Sridhar. Essentially, I would say here that there is nothing in the charge sheet to support the charge against Dr.Mangala Sridhar and in fact, there is ample evidence instead to support the alternative theory that it was the London doctor herself who was trying to bribe and intimidate Dr.Mangala Sridhar in return for higher marks. Of course, I have acted as a lawyer for Dr.Mangala Sridhar and I might very well be biased here. So, the reader is instead invited to assume that Dr.Mangala Sridhar is simply, a very corrupt member of the Karnataka Public Service Commission. Please retain that assumption throughout hereinafter. But, please do not forget even for a moment that it is just an assumption and not the truth. What happened next must be noted.
8. *Article 315* of the Constitution confers a constitutional status upon the State, Union and Joint Public Service Commissions. *Article 316* speaks of who would appoint the

chairman and members of these commissions. *Article 317* is the more important part of this discussion. I invite your careful attention to *Article 317*. It says:

317. Removal and suspension of a member of a Public Service Commission:

(1) Subject to the provisions of clause (3), the Chairman or any other member of a Public Service Commission shall only be removed from his office by order of the President on the ground of misbehavior after the Supreme Court, on reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf under article 145, reported that the Chairman or such other member, as the case may be, ought on any such ground to be removed.

(emphasis supplied)

(please also read the bold portion only, on second reading)

9. As you just read in the above, the President of India alone could remove a member of any Public Service Commission (PSC) on the ground of ‘misbehaviour’ and that too, only after the Supreme Court has opined, on a reference made to it by the President, that the member facing the allegation of ‘misbehaviour’ could be removed for such ‘misbehaviour’. Essentially, this means that no less than the Supreme Court of India would itself conduct an enquiry and hearing over the alleged misbehaviour of a member of the PSC and express its opinion to the President and it is only after the receipt of such an opinion that the President could remove the member in question on the ground of ‘misbehaviour’. This, our Supreme Court, has said puts members of Public Service Commissions into greater protection than is conferred upon Judges of the Supreme Court, Judges of the High Courts, the Comptroller and Auditor General of India and the Chief Election Commissioner of India.
10. Now, I invite your careful attention again, to *Article 317(2)* of the Constitution. It says:

(2) The President, in case of the Union Commission or a Joint Commission, and the Governor in the case of a State Commission, may suspend from office the Chairman or any other member of the Commission in respect of whom a reference has been made to the Supreme Court under clause (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.

(emphasis supplied by us)

(please also read the bold portion only, on second reading)

11. In plain English, *Article 317(2)* says that the Governor of a State may suspend a member of that State PSC only after the President of India has already made a reference to the Supreme Court in respect of the said member [...*member of the Commission in respect of whom a reference has been made to the Supreme Court under clause (1)*...]. Such order of suspension passed by the Governor would be valid until the President passes a final order after he receives the opinion of the Supreme Court of India. You may see in both *Articles 317(1)* and *317(2)* that there is nothing really to interpret at all as it is all in plain English and these words are capable of bearing one meaning only. In other words, we lawyers will have nothing to interpret when the words at issue give out one meaning only. The task of interpretation arises only when words expressed in a statute are capable of bearing more than one meaning. The words in *Article 317(2)* do not and cannot bear more than one meaning.
12. Still, the then Hon'ble Governor of Karnataka, Sri H.R.Bharadwaj went on to first pass a defiant internal order on the following terms:

“...After examination of this case, I order that on the basis of the result of investigation against her, a reference under Article 317 be made to the Supreme Court and she may be placed under suspension pending reference and orders passed by the Supreme Court...”

(emphasis supplied by us)

13. That is, shockingly, the Hon'ble Governor of Karnataka had in fact, directed that it is for him to decide on a reference to the Supreme Court. It is not quite known as to what prompted the Hon'ble Governor of Karnataka to altogether express such contempt for the authority of the office of the President of India. On 16-May-2014, this country would have eagerly looked forward to the result of the elections to the Lok Sabha. However, in an unexplained haste, the Hon'ble Governor issued a 'Notification' two days prior to the election results, that is, on 14-May-2014 to say that he is suspending Dr.Mangala Sridhar as a member of Karnataka PSC on ground of her corruption.
14. But, what about the President making any reference to the Supreme Court in the first place? In other words, did the Hon'ble Governor even first write to the President of India and request him to initiate steps for removal of Dr.Mangala Sridhar? Of course, the President himself would have been powerless under the Constitution to remove a member of a PSC on ground of 'misbehavior' unless the Supreme Court had already expressed its opinion that a certain member be so removed. Further, did the Hon'ble Governor receive any information if the Hon'ble President had in fact, made a reference to the Hon'ble Supreme Court in respect of Dr.Mangala Sridhar? Well, for some inexplicable reason, these constitutional mandates were totally disregarded in

Karnataka on those crucial days in this matter. In fact, the office of the President acknowledged the receipt of papers concerning Dr.Mangala Sridhar only on 22-May-2014. So, irrespective of what the Hon'ble President of India would have chosen to do in the matter, the Hon'ble Governor of Karnataka seemed to have readily decided that he will take the Constitution of India into his own hands. He had thereby arrogated to himself, an unfounded and a non-existent power in our Constitution. On 14-May-2014, the date of passage of the suspension order, the Hon'ble Governor of Karnataka clearly knew but had disregarded the fact that:

- i. the papers concerning Dr.Mangala Sridhar had not even reached the office of the President at Delhi. These papers reached the President only much later;
- ii. when the Hon'ble President of India had not even received any paper concerning the alleged corruption by Dr.Mangala Sridhar, the President could not have even applied his mind to it let alone make a reference to the Hon'ble Supreme Court of India urging it to form an opinion on whether it would be desirable to remove her from service on the ground of her alleged corruption. *Article 317(2)* of the Constitution clearly meant that the Governor of Karnataka could not have derived any authority to suspend Dr.Mangala Sridhar until the President had first made a reference to the Supreme Court against her. Disturbingly, these aspects, though plainly mandated under our Constitution, just did not matter at all to the then Hon'ble Governor of Karnataka, Sri H.R.Bharadwaj.

15. So, in an unprecedented act of defiance by the Governor of a State of the authority of the President of the Union, the Hon'ble Governor of Karnataka, Sri H.R.Bharadwaj, went on to order suspension of Dr.Mangala Sridhar in an utter and blatant violation of *Article 317(2)* of the Constitution on 14-May-2014. A copy of the said suspension Order is attached as **Annexure A**. Please note that notwithstanding this reference to '14-May-2014' in the said Notification, Dr.Mangala Sridhar was handed over a copy of this Notification only on 15-May-2014 at 6.50 pm. Let it be known that even as of this day, 08-Oct-2014, there has been no reference yet from the Hon'ble President to the Hon'ble Supreme Court in respect of Dr.Mangala Sridhar. The said Notification dated 14-May-2014, in pertinent part, had said:

“NOW, therefore, I, Hansraj Bharadwaj, Governor of Karnataka, in exercise of the powers vested in me under clause (2) of Article 317 of the Constitution of India do hereby suspend Dr.Mangala Sridhar from office of the member of Karnataka Public Service Commission with immediate effect and until an order is passed by the Hon'ble President”.

(emphasis supplied by us)

16. As one would expect in such event, Dr.Mangala Sridhar immediately thereafter approached the Hon'ble High Court of Karnataka. A learned Single Judge who heard this case recused himself at the very inception. Then, the Hon'ble Chief Justice allotted the matter to a different judge. A word about this later judge – this judge brings great majesty to the Bench and is considered by the Bar as a judge with exceptional knowledge and understanding of the law. On 21-Jul-2014, this learned Judge reserved the matter for judgment after according to both sides, a completely satisfactory and comprehensive opportunity to present their case. The Government of Karnataka had kept on arguing in the court that the President of India cannot be expected to act in the best interests of the State at all times as much as can be expected of the Governor and notwithstanding that there has been no reference from the President to the Supreme Court in respect of Dr.Mangala Sridhar, the action of the Governor in suspending her is a lawful act.
17. Of course, when the Government of Karnataka had argued at the High Court that the Governor had to simply suspend Dr.Mangala Sridhar because of her alleged corruption, one could not help but be amazed at it. She is not the Queen of England! Meaning, if she indeed is corrupt as alleged, she should have been arrested, tried and convicted under the provisions of the *Prevention of Corruption Act, 1988* and not dealt with so lightly and that too, by perversely misreading the Constitution. The impugned order of suspension was both improper and unconstitutional and we had pointed to the High Court that the court itself did not have any authority to excuse the impugned act. After all, to excuse an executive violation of the Constitution, a court must receive some form of authority beyond the Constitution and who or what instrument anyway, has conferred any authority to any court of law in India to excuse an executive violation of a constitutional provision? Should a constitutional court in India derive its lawful authority from the Constitution of India, it would inherently be powerless to excuse an executive violation of a constitutional provision unless that court could also arrogate to itself, a power higher than what the Constitution could possibly confer to it. There is no other instrument of conferment.
18. There were many options open to the Hon'ble Governor of Karnataka to cleanse the KPSC of corruption. The then Governor of Karnataka was more than empowered to ask the Government of Karnataka to set up a special empowered court to try Dr.Mangala Sridhar on the ground of corruption and to secure her conviction and that would have been a fitting answer to a charge of corruption and not a mere suspension, we had argued. There was absolutely no authority in the Governor to suspend her and

his act was therefore, an egregious violation of our constitutional mandate - *Article 317(2)*.

19. Finally, on 23-Sep-2014, two months after the matter was reserved, the Hon'ble Single Judge of the Karnataka High Court did pronounce the judgment in the matter. The Hon'ble Judge, in effect, has rewritten the Constitution of India and has allowed the Governor of Karnataka to defy the authority and prerogative of the Hon'ble President of the Union. The said judgment has rendered it unnecessary for any reference to be made by the President of the Union to the Supreme Court in order for a Governor to act under *Article 317(2)* of the Constitution. In one stroke of a pen, the careful arrangement crafted by our Constitution in its chapter on 'Public Services' has been rendered topsy-turvy by a High Court Judge who has allowed a Governor of a State to openly defy and disregard the authority of the President of the Union and has rendered the attention of the Supreme Court wholly unnecessary for a Governor to decide on suspension of a PSC member. In other words, the institutions of the Hon'ble President of India and of the Hon'ble Supreme Court of India have lost their entire place from *Article 317(2)* of the Constitution with this judicial rewriting of our Constitution. Of course, no constitutional jurist would call the said judgment as any interpretation of the Constitution and it simply is an unprecedented rewriting of the Constitution of India by a judge of a High Court. We retain, however, the complete confidence both in the judge concerned and in all of our judicial institutions notwithstanding this particular aberration. The greatness of our judicial institutions is never undermined or put into any state of doubt by an isolated instance of an erroneous judgment. However, I would have no basis whatsoever to dispute should the Hon'ble Parliamentarians consider the said judgment as an affront to the authority of the Parliament of India.
20. Today is 08-Oct-2014 and we are still waiting for a copy of the said judgment pronounced on 23-Sep-2014. It has not been released as yet. Of course, with due respects, it is said here that the judgment of the High Court is patently wrong and has done a great disservice to the Constitution of India and will be effortlessly appealed, as and when the judgment is released, as an egregious and a patently wrong reading of a simple and plain provision of our Constitution - *Article 317(2)*. That aspect is not being urged here.
21. What is however urged here is that the Constitution of India is not merely the preserve of the judiciary; the Executive and the Legislature are just as much, the custodians of our Constitution. Irrespective of the High Court's erroneous and improper reading of our Constitution, the obligation of the Hon'ble President of India to enforce the Constitution is not lessened simply because of an erroneous judgment of a court of

law. As stated in the subject line, the Hon'ble President of India is requested to not reward such defiant act of the then Hon'ble Governor of Karnataka, Sri H.R.Bharadwaj and of the Government of Karnataka. I hereby request the Hon'ble President to express his complete disapproval to such act by the then Hon'ble Governor of Karnataka and to reject the file relating to Dr.Mangala Sridhar on the said ground. Reference to the Government of Karnataka is imperative here because it retains a necessary interest in the whole matter.

22. I am saying nothing here to shield Dr.Mangala Sridhar from the rigour of criminal prosecution. If she really is corrupt as alleged, nobody should be content to merely push allegations against her and the criminal justice system should stand ready to convict her - assuming there is any evidence against her. A lawyer is not a mouthpiece for his client and I certainly haven't even remotely been any such thing for any client in a court of law. Our argument before the High Court is attached as **Annexure B**. The news reports about the judgment of the High Court are attached as **Annexure C**.
23. If the Hon'ble President is satisfied with what we have urged here and would reject the file relating to Dr.Mangala Sridhar, she will simply return to service at Karnataka PSC. Incidentally, she has no money left with her now to even pay her house rent and she would have been penniless if not for some support by a few concerned neighbours and citizens. She already has run into a huge debt by pledging her personal jewelry - her only savings. Records in support of her financial hardship were furnished to the High Court after a month had passed after it had reserved the matter for judgment.
24. But, Dr.Mangala Sridhar has no immunity from criminal prosecution and I would readily ask the authorities to put her corruption trial on a fast track and to secure her conviction should she be corrupt and there be evidence to prove her corruption. So, with what I have just said, no doubt should linger in the mind of a reasonable person over whether I am writing here to shield her. I am not. I do not ask for justice to Dr.Mangala Sridhar here. She will get it from where she must ask and receive it. Everything that I have said here has been morally affirmed, supported and concurred with by Dr.Mangala Sridhar herself and her supporters are spending their own money towards the copying and postage of this letter to reach the several members of our Parliament.
25. Should the Hon'ble President not find any merit in the corruption allegation against Dr.Mangala Sridhar and would not want to make any reference to the Supreme Court or if the Hon'ble President would not want to peruse the allegation against her due to the defiant act of the then Hon'ble Governor of Karnataka, where would Dr.Mangala Sridhar stand? First of all, it must be noted that the hearing before the Supreme Court

would be in the nature of a disciplinary/administrative hearing and even if the outcome in that hearing should eventually lead to her dismissal, her corruption trial would not in the least be influenced by the deliberations of the Supreme Court as the two are independent of each other. It is her own wish that she should be put to suffer the harsher of the two trials first - a corruption trial would undoubtedly be more difficult of the two trials. Once the Hon'ble President would return and reject the allegation against Dr.Mangala Sridhar, the order of suspension would automatically end itself and she would then be able to return to service unless the suspension order is struck down sooner by an appeal court.

26. Any possible concern over a perceived corrupt member returning to service in the mind of a reasonable person should yield to the fact that Dr.Mangala Sridhar herself has been strongly insisting on the conduct of the criminal trial against her so that she could clear her name once and for all. Trials under the *Prevention of Corruption Act, 1988* are statutorily required to be conducted on a day-to-day basis to the extent practicable and should she be given such a trial, no reasonable person need fear that a corrupt KPSC member has been allowed to return to service when in fact, her energies would primarily be first spent towards defending herself and disproving the charges against her. Let it be noted that the charge sheet against her has already been filed in court and a Special Judge has already taken cognizance of the charge against her and has summoned her to stand trial. She has only been charged under the bribery provisions and there is no presumption of any kind against her in this trial unlike in the case of a disproportionate asset trial and it is for the prosecution to prove its case first in this trial. This case is a relatively simple one to prove or disprove. Should she stand convicted of the charge against her, she would invite imprisonment for a long term and would concurrently lose her membership of the KPSC. That prospect alone should appeal to those inclined to strongly believe in the corruption allegation against her.
27. Of course, as a person who has acted as her lawyer and who has had the opportunity to review the evidence that has been marshalled against her, I would readily state here that all that the said evidence could only do in a criminal trial is to monumentally embarrass both the State Government and the State police and there is simply no prospect of her conviction criminally. Of course, this is just an opinion of an interested lawyer. At the same time, even should she stand acquitted in her trial, the Hon'ble President would still be free to make a reference to the Supreme Court even thereafter, to ask the Supreme Court to consider her 'misbehaviour' independently of the outcome in her criminal trial as the standard of proof for a criminal trial is not the same as for a departmental/administrative enquiry. And, even so far as such an

administrative hearing is concerned, the material marshalled against Dr.Mangala Sridhar is, in my view, simply insufficient to discredit her. However, it certainly is sufficient enough to embarrass both the State Government as well as the State police, again.

28. Strangely, while corruption news and scandals seem to be never ending in the KPSC which is said to generate more such news than the rest of all the PSCs in the country combined, there has been no conviction whatsoever of any of the allegedly corrupt KPSC member in the past two decades in Karnataka. And, the who's who of Karnataka politics faces public allegations that they have tried to influence the results of KPSC examinations. In fact, the most prominent minister of Karnataka today is alleged to have written more than 1500 letters of recommendation to various KPSC members in favour of his own candidates and is further alleged to have called various KPSC members numerous times in that regard. Of course, meritorious candidates won't certainly need any such letter of recommendation or a surreptitious phone call from a politician or a minister. Such letters and phone calls are obviously, for non-meritorious candidates. That is, Karnataka Ministers and politicians stand ready to supply hundreds or even thousands of their own non-meritorious men into public service if only the KPSC would readily do as is demanded of them.
29. Since the judgment of the learned Single Judge was pronounced, a number of ministers and politicians have been resoundingly cheering it privately and the KPSC members are greatly fearing that they now find it simply impossible to resist interferences by ministers, politicians, movie-stars, judges, businessmen, power-brokers and whoever else is keen to push their own men and women into the State public service – thanks to the said judgment. After all, the case of Dr.Mangala Sridhar had involved the case of a candidate repeatedly calling a KPSC member and then levelling an allegation after receiving lesser marks that she was asked to pay a bribe for higher marks and

as she had refused to pay a bribe, she got far lesser marks than she had deserved. All it takes to repeat another Mangala Sridhar incident is for a candidate to repeatedly call a KPSC member and what after all does it take to call someone endlessly? Nothing. So, KPSC members are justifiably worrying over what fate awaits them should they snub any interference by someone in power – they too could be called a dozen times, face an allegation of bribery and be suspended just as it all happened in the case of Dr.Mangala Sridhar; also the KPSC members have independently worried for a very long time that allegations of corruption can always be manufactured out of thin air against them should only the Government in power want to. In a State where allegations of KPSC corruption continue to regularly rule the news-cycle and still

nobody ever got convicted in the past two decades, Dr.Mangala Sridhar would be easily counted as the only KPSC member to insist on the conduct of a corruption trial against her. That should speak to her moral strength, assuming that even corruption accused could in law and society, assert their moral strength and standing.

30. Finally, hoping that the concern surrounding the corruption allegation against Dr.Mangala Sridhar has been addressed to the satisfaction of a reasonable person, I only ask here that our Constitution not be jeopardized in the manner that has been done in Karnataka. I am a concerned citizen of my country. I am writing here to preserve our Constitution. Our Constitution cannot be preserved if only the Hon'ble President of India would not seriously note the act of a Governor of a State who knowingly, intentionally and deliberately defies the authority and prerogative of the President of the Union in the manner that has been done in Karnataka. Should the President process and act on the file relating to Dr.Mangala Sridhar, he would have undoubtedly encouraged the said defiance and thereby laid the foundation for more of such defiance in the future. That clearly would be opposed to our constitutional ideals. I request the Hon'ble President of India to return to the Hon'ble Governor of Karnataka and to the Government of Karnataka, the files relating to Dr.Mangala Sridhar on the ground of such egregious defiance of his constitutional authority.
31. I leave here with an honest belief that I have discharged my obligation as a concerned citizen of my country to protest a serious effort to damage the working of our Constitution.

Sincerely

K.V.Dhananjay
Advocate