

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

WP(C).No. 18338 of 2015 (N)

PETITIONER:

**M.SALIM, AGED 58 YEARS,
S/O.MEERA SAYU, MANAGING DIRECTOR,
CERT EDUCATIONAL RESEARCH & TRAINING PVT. LTD.,
SIVAPRIYA 25, JANASAKTHI NAGAR, PONGUMOODU,
THIRUVANANTHAPURAM, KERLA.**

BY ADV. SRI.P.K.SAJEEV

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY, HOME DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
INDUSTRIES DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001.**
- 3. THE PRINCIPAL SECRETARY TO GOVERNMENT,
VIGILANCE (B)DEPARTMENT,
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM - 695001.**
- 4. THE DIRECTOR, VIGILANCE AND
ANTI CORRUPTION BUREAU,
THIRUVANANTHAPURAM - 695 002.**
- 5. POLICE DEPUTY COMMISSIONER (ADMINISTRATION),
OFFICE OF THE DEPUTY COMMISSIONER,
THIRUVANANTHAPURAM CITY -695 001.**
- 6. POLICE ASSISTANT COMMISSIONER,
DISTRICT SPECIAL BRANCH,
THIRUVANANTHAPURAM CITY - 695 001.**

WP(C).No. 18338 of 2015 (N)

7. SAJI BASHEER, S/O.BASHEER,
MANAGING DIRECTOR,
KERALA SMALL INDUSTRIES DEVELOPMENT
CORPORATION LTD (SIDCO),
HOUSING BOARD BUILDING,
THIRUVANANTHAPURAM 695 001.

R1 TO R6 BY SPECIAL GOVERNMENT PLEADER SRI.MANILAL
R7 BY ADV. SRI.R.T.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- TRUE COPY OF COMPLAINT DATED 18.1.2014 GIVEN BY THE PETITIONER TO THE HOME MINISTER.**
- P2- TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P1.**
- P3- TRUE COPY OF THE ENQUIRY REPORT DATED 21.6.2014 SUBMITTED BY THE 6TH RESPONDENT TO THE 5TH RESPONDENT.**
- P4- TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P3.**
- P5- TRUE COPY OF THE NOTES OF THE HOME DEPARTMENT WITH FILE NO.67621/M1/14/HOME OBTAINED BY THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT.**
- P6- TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P5.**
- P7- TRUE COPY OF THE NOTES OF THE INDUSTRIAL DEPARTMENT WITH FILE NO.27701/F2/14/IND. OBTAINED BY THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT.**
- P8- TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P7.**
- P9- TRUE COPY OF THE APPLICATION DATED 23.12.2014 GIVEN BY THE PETITIONER TO THE HONOURABLE HOME MINISTER.**
- P10- TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P9.**
- P11- TRUE COPY OF THE NOTES OF THE HOME DEPARTMENT AND THE VIGILANCE DEPARTMENT WITH FILE NOS. 5172/M1/15/HOME AND 1567/B1/2015/VIG. OBTAINED BY THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT.**
- P12- TRUE COPY OF THE ENGLISH TRANSLATION OF EXT P11.**

RESPONDENT(S)' EXHIBITS & ANNEXURES:

- ANNEXURE I : TRUE COPY OF GO(RT)NO.522/2013/G.EDN. DATED 5.2.2013.**
- ANNEXURE II : TRUE COPY OF SUPPLY ORDER DATED 26.3.2013 OF DISTRICT PROJECT OFFICER, THIRUVANANTHAPUAM.**
- ANNEXURE III : TRUE COPY OF JUDGMENT DATED 6.3.2013 IN WP(C)NO.8818/2013.**
- ANNEXURE IV : TRUE COPY OF JUDGMENT DATED 18.7.2013 IN WP(C)NO.12312/2013.**

WP(C).No. 18338 of 2015 (N)

- ANNEXURE V : TRUE COPY OF REQUEST DATED 9.10.2013 BY SIDCO SEEKING
EXTENSION OF TIME BEFORE 4TH RESPONDENT.
- ANNEXURE VI : TRUE COPY OF ORDER DATED 30.4.2013 BY WHICH THE
SUPPLY ORDER WAS CANCELLED BY THE DISTRICT PROJECT
OFFICER, THIRUVANANTHAPUAM.
- ANNEXURE VII : TRUE COPY OF ORDER DATED 7.4.2014 IN WP(C)NO.9427/2014.
- ANNEXURE VIII : TRUE COPY OF GO(RT)NO.72/2014/SPD DATED 18.12.2014 FOR
THE SUPPLY OF STEEL FABRICATED HOSPITAL FURNITURE,
HOSPITAL EQUIPMENTS AND LABORATORY EQUIPMENTS.
- ANNEXURE IX : TRUE COPY OF GO(RT) NO.73/2014/SPD DATED 18.12.2014 FOR
THE SUPPLY OF WOODEN FURNITURE.
- ANNEXURE X : TRUE COPY OF GO(RT.)NO.74/2014/SPD DATED 19.12.2014 FOR
THE SUPPLY OF STEEL FURNITURE.
- ANNEXURE XI : TRUE COPY OF GO(MS)NO.30/2011/ITD DATED 22.9.2011.

//TRUE COPY//

P.S. TO JUDGE

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B. KEMAL PASHA, J.

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W.P.(C) No.18338 of 2015
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Dated this the 3rd day of September, 2015

J U D G M E N T

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The challenge is with regard to the decision of the Industries Department that there is no scope for any vigilance enquiry against the Small Industries Development Corporation as reflected in Ext.P7.

2. Heard all the parties.

3. It seems that initially, there was an arrangement between the Small Industries Development Corporation and Sarva Shiksha Abhiyan for carrying out a project involving an amount of ₹3 crores. Subsequently, the matter has gone out of the hands of Small Industries Development Corporation and the Small Industries Development Corporation could not proceed with the matter. There cannot be any complaint at present that the Small Industries Development Corporation has taken anything in the matter.

4. It is strange to note that the Director of Sarva Shiksha Abhiyan is not impleaded as a respondent in the matter.

Matters being so, there is no merit in the matter at present and any interference is not required in the matter. Accordingly, this writ petition is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/03/09

// True Copy //

PA to Judge