

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

WP(C).No. 31512 of 2012 (L)

PETITIONER(S):

DR. THONNAKKAL VASUDEVAN,
AGED 61 YEARS, S/O.KRISHNA KURUP,
'KAVYAM' KUDAVOOR POST, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.J.JAYAKUMAR

RESPONDENT(S):

1. THE PRINCIPAL SECRETARY TO GOVERNMENT,
CULTURAL AFFAIRS DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.
2. THE DIRECTOR, DIRECTORATE OF CULTURAL DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAMPIN - 695 001.
3. THE DEVELOPMENT COMMISSIONER, COLLECTORATE, CIVIL STATION,
KUDAPPANAKUNNU, THIRUVANANTHAPURAM DISTRICT-695505.
4. THE DIRECTOR, LOCAL FUND AUDIT,
THIRUVANANTHAPURAM-695001.
5. THE DIRECTOR,
(VIGILANCE AND ANTI CORRUPTION BUREAU, KERALA),
THIRUVANANTHAPURAM-695001.
6. M.P.SUBASH, DIRECTOR,
KUMARANASAN NATIONAL INSTITUTE OF CULTURE,
THONNAKKAL POST, THIRUVANANTHAPURAM-695317.

R1-5 BY SENIOR GOVERNMENT PLEADER SRI.VIJU ABRAHAM,
R6 BY ADVS. SRI.K.V.SOHAN
SMT.SREEJA SOHAN.K.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PJ

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APPENDIX

PETITIONER(S) EXHIBITS

- EXT.P-1** **TRUE COPY OF THE GOVERNMENT NOTIFICATION G.O(MS)
NO.204/66/EDN. DATED 30.4.1966.**
- EXT.P-2** **TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER
BEFORE THE 5TH RESPONDENT ON 30.11.2011.**
- EXT.P-3** **TRUE COPY OF THE REPORT DATED 13.1.2012 OF THE DEPUTY
SUPERINTENDENT OF POLICE.**
- EXT.P-4** **TRUE COPY OF THE CONFIDENTIAL REPORT DATED 25.4.2012
ALONG WITH THE LETTER OF SUPERINTENDENT OF POLICE, WHO
CONDUCTED THE SURPRISE CHECKING, SENT TO THE 1ST
RESPONDENT BY THE 5TH RESPONDENT.**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.M. SHAFFIQUE, J.

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W.P. (C) No. 31512 of 2012

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Dated this, the 11th day of November, 2015

J U D G M E N T

This writ petition has been filed seeking the following reliefs;

“(i) issue a writ of mandamus or any other appropriate writ, order or direction, directing the 1st respondent to appoint Officers of the Managing Committee as per Clause (7) of Exhibit P-1 at Kumaranasan National Institute of Culture, Thonnakkal, Thiruvananthapuram forthwith;

(ii) issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents 2 and 3 to appoint competent officials from the Cultural Department having sufficient experience to administer and manage cultural activities at Kumaranasan National Institute of Culture, Thonnakkal, Thiruvananthapuram forthwith;

(iii) issue a writ of mandamus or any other appropriate writ, order or direction, directing the 4th respondent to conduct proper audit for the last 10 years at Kumaranasan National Institute of Culture, Thonnakkal, Thiruvananthapuram and also take necessary steps to recover the misappropriated fund from the 6th respondent forthwith;

(iv) issue a writ of mandamus or any other appropriate writ, order or direction, directing the 5th respondent to conduct a detailed investigation

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regarding the misappropriation of fund at Kumaranasan National Institute of Culture, Thonnakkal, Thiruvananthapuram forthwith."

2. The petitioner, being a former member of the Kumaranasan National Institute of Culture, Thonnakkal, Thiruvananthapuram, is aggrieved by certain actions taken by the Managing Committee members. He filed separate complaints and the Government having conducted an enquiry in the matter has not taken any steps thereafter. He alleges misappropriation of fund by the 6th respondent and total mismanagement of the affairs of the Organization. Since the Government did not take any action in the matter, this writ petition is filed.

3. A statement has been filed by the Government. Paragraphs 3 and 4 read as under;

"3. Meanwhile as per G.O.(Rt) No.101/2012/CAD dated 23.02.2012, Government have reconstituted the Managing Committee of the Institution with Dr.N.Mukundan as its Chairman, Sri.V.Sasi MLA as Vice Chairman and C.V.Sreekumar as Secretary. The 26 member Committee includes Honourable MP, MLA and other Local Body Members. As the new Managing Committee had taken over the

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charge of the Institute, the Government could act upon the report of the Vigilance and Anti-Corruption Bureau only after eliciting the view of the Managing Committee. Hence the report has been forwarded to the Institute to offer their specific remarks on all points raised in the Vigilance report.

4. Government have also conducted an investigation engaging Finance Inspection Wing into the utilization of funds granted by the Government to Kumaranasan National Institute. The report of the Finance Inspection has also been received and further course of action will be taken after obtaining the views of the Managing Committee in this regard. It is also submitted that strict and stringent action will be initiated against those who are found responsible for any irregularity in the Kumaranasan National Institute of Culture, a grant in aid institution under Government."

4. Having regard to the fact that the matter is seized by the Government and it is stated that proper steps are being taken in the matter, I do not think that any further direction is required to be passed. The Government may take into account the report of the finance inspection and take further proceedings in accordance with the procedure prescribed. This may be done

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within a period of six months from the date of receipt of a copy of this judgment and necessary intimation may be given to the petitioner as well.

Writ petition is disposed of as above.

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp
11/11/2015

//True Copy//

P.S to Judge