

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936**

**WP(C).No. 30053 of 2014 (F)**  
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**PETITIONER :**  
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**PARENT TEACHER ASSOCIATION,  
KADAMBUR HIGHER SECONDARY SCHOOL, KADAMBUR,  
KANNUR DISTRICT, REPRESENTED BY ITS VICE PRESIDENT.**

**BY ADV. SRI.GEORGE POONTHOTTAM**

**RESPONDENTS :**  
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- 1. STATE OF KERALA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT,  
DEPARTMENT OF GENERAL EDUCATION,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,  
THIRUVANANTHAPURAM-695001.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,  
KANNUR.**
- 4. THE DIRECTOR,  
VIGILANCE AND ANTI CORRUPTION BUREAU,  
THIRUVANANTHAPURAM-695001.**
- 5. THE DEPUTY SUPERINTENDENT OF POLICE,  
VIGILANCE AND ANTI CORRUPTION, KOZHIKODE UNIT,  
THANDAYAD, KOZHIKODE DISTRICT.**

**R1 TO R5 BY SENIOR GOVERNMENT PLEADER SRI. S. ABDUL SALAM**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 18-12-2014, THE COURT ON 15-01-2015 DELIVERED THE  
FOLLOWING:**

**bp**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- P1: COPY OF THE RELEVANT PAGES OF KERALA YOUTH FESTIVAL MANUAL.
- P2: COPY OF THE CIRCULAR NO.E3/12407/DEO, KANNUR DATED 3.10.2013.
- P3: COPY OF THE CIRCULAR NO.E3/12418/14/DEO, KANNUR DATED 18.9.2014.
- P4: COPY OF THE COMMUNICATION DT 24/11/2014 GIVEN TO THE HEADMISTRESS.
- P5: COPY OF THE COMMUNICATION NO. KHS-97/14 DT 26/11/2014.
- P6: COPY OF THE COMMUNICATION DT 26/11/2014 GIVEN TO THE MANAGER.
- P7: COPY OF THE CHART SHOWING THE COLLECTION FROM STUDENTS TOWARDS KALOLSAVA FUND.
- P8: COPY OF THE CIRCULAR NO.AC. D. SPY(3)/43561/H.S.E/2014 DATED NIL ISSUED BY THE DIRECTOR OF HIGHER SECONDARY EDUCATION

**RESPONDENTS ANNEXURES :**  
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- ANNEXURE R3(a): COPY OF THE CONSOLIDATED STATEMENT PREPARED BY THE DEPUTY DIRECTOR OF EDUCATION, KANNUR OF AMOUNT RECEIVED AS DONATIONS FROM PARENTS AND TEACHERS

//TRUE COPY//

P.A. TO JUDGE

bp

**A.MUHAMED MUSTAQUE, J.**

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**W.P.(C).No.30053 of 2014**  
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**Dated this the 15<sup>th</sup> day of January, 2015**

**J U D G M E N T**  
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The petitioner claims that he is the Vice President of the Parent Teacher Association of Kadambur Higher Secondary School, an aided school. This writ petition pertains to utilisation and accounting of the funds collected for the Sub District youth festival. The petitioner alleges misappropriation of the funds and seeking direction for a vigilance enquiry.

2. The Government of Kerala has formulated a manual relating to conduct of youth festival in District and Sub District level. According to the petitioner, it stipulates only collection of registration fee and not any other form of fee from the students. The petitioner submits that the Deputy Director of Education, Kannur issued Ext.P2 circular and directed other offices under him to collect funds from the students. The petitioner refers to Clause 9.09 of the manual and would submit that the entire auditing of the accounting has to be submitted before the Director of Education

within one month. The issue in this writ petition is in connection with raising of funds for the youth festival held during 2013-14. The petitioner submits that there is a dereliction of duty in maintaining proper accounts.

3. A statement and additional statement have been filed on behalf of the 3<sup>rd</sup> respondent. The 3<sup>rd</sup> respondent challenges the locus standi of the petitioner and submits that there was no Parent Teacher Association in Kadambur Higher Secondary School during 2013-14 as claimed by the petitioner. It is submitted that the manual empowers the Assistant Educational Officer and Deputy Director of Education to receive funds through the coupons. It is submitted that the decision was taken by the Deputy Director and mobilised the funds as mentioned in Ext.P2 after deliberation with PTA and other stake holders. The statement also figures the total amount received for the year 2013-14. It is specifically stated that the collection from the parents and teachers is only Rs.20,61,820/-. It is admitted that the verification of accounts are going on and the

genuineness of the vouchers are to be verified and the entire verification will be completed very soon.

4. The petitioner filed a reply affidavit and points out that the collection from parents and teachers are higher than what is stated in the counter affidavit. Thereafter, the total receipts from parents and teachers were given by an additional statement filed by the 3<sup>rd</sup> respondent. The total receipts would come to Rs.80,78,238/-. The amount of Rs. 20,61,820/- referred in the original statement is shown as amount remitted to Deputy Director of Education as district share. The split up details of each Sub District is given in the additional statement. The petitioner's case is that if the amount has been collected from all the students, the figure would be more than Rs.80,78,238/- as pointed in the additional statement. The 3<sup>rd</sup> respondent has a case that all the students have not contributed to the fund. The petitioner relies on the figure mentioned in Ext.P7 to substantiate the total amount collected from the students.

5. The youth festival fund mobilisation is governed by Ext.P1 manual. The manual clearly indicate the manner in which the accounts are to be verified and audited. I am of the view that there is some callousness on the part of the authority. It was pointed out that only an amount of Rs. 20,61,820/- was collected as the donation of parents and teachers. However, the same figure was contradicted in the reply affidavit. Thereafter total collection has been shown as Rs.80,78,238/-. This may be for reason that the amount stated to have been received by Deputy Director alone might have shown in the original statement. But fact remains that they have collected more than Rupees eighty lakhs. This Court cannot expected to verify the account details. However, this Court cannot ignore the mandate to audit the accounts within one month as contemplated in the manual. There are no plausible reasons mentioned in the counter statement filed before this Court for the delay. Youth festivals were held during 2013-14 and subsequent youth festivals have also now been held. In such a situation, the

delay on the part of the authorities in verifying the accounts and auditing the same cannot be justified. Though this case does not warrant any vigilance enquiry as the petitioner has not made out a case of specific instance of misappropriation, nevertheless, it requires urgent attention by the 2<sup>nd</sup> respondent to find out the reasons for actual delay involved in the auditing. The vigilance enquiry if at all is required would depend upon the auditing and verification of the accounts.

6. The challenge regarding the locus standi is unsustainable. The respondents were unable to substantiate that the petitioner is not the member of PTA of Kadambur school. Further, there is no mala fides attributed against the petitioner. Therefore, the petitioner cannot be considered as mere interloper or busybody. Thus, the objection based on locus standi is overruled.

7. Therefore I am of the view that in such a situation, the 2<sup>nd</sup> respondent shall conduct an enquiry for the delay in auditing the

account and pass appropriate orders. The petitioner shall also be heard in this matter. There shall be a direction to the 2<sup>nd</sup> respondent to conduct an enquiry for the delay in auditing the funds for youth festival conducted under Sub District level at Kannur and also regarding the appropriation of funds, collected pursuant to Ext.P2. Needful shall be done within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

**A.MUHAMED MUSTAQUE,  
JUDGE**

jm/