

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE MS JUSTICE J.UMA DEVI

WRIT APPEAL NO.1127 OF 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

The appellant herein filed WP.No.15239 of 2017 to declare the action of the Government of India in not cancelling or annulling the award of 'Padma Bhushan' awarded to the third respondent, for misuse of the award 'Padma Bhushan' in Criminal Petition No.5798 of 2016 before the Court and for exhibiting award proudly before the Court, as arbitrary and illegal.

In the order under appeal the learned Single Judge, after referring to the judgment of the Supreme Court in **Balaji Raghavan v. Union of India**¹, held that, in **Balaji Raghavan**¹, the Supreme Court had, while dealing with "Bharat Ratna" and "Padma" awards, observed that they were not titles within the meaning of Article 18 of the Constitution of India; these awards could be given to citizens for exceptional and distinguished services rendered in art, literature, science and other fields; these awards were national in character; only those who had achieved distinction at the national level could be considered for these awards; the present case was not one where the third respondent had portrayed himself in any forum or described himself in any advertisement; this was not a case where the third respondent had portrayed himself or had tried to get any advantage by claiming himself to be an awardee; only the achievements to the credit of the third respondent were mentioned in the paragraph (h) of page 4

¹ (1996) 1 SCC 361

of the criminal Petition; this being a notable one, was also referred along with other distinctions; and there was no merit in the argument of the petitioner, who appeared in person, and the same was liable to be dismissed.

The fact that the third respondent was awarded 'Padma Bhushan' is not in dispute. A mere statement in the Criminal Petition that he received 'Padma Bhushan' award, cannot be construed as misuse of the award granted to him. The Learned Single Judge has, in our opinion, rightly dismissed the Writ Petition. In an intra-Court appeal under Clause 15 of the Letters patent, interference is justified only if the order passed by the learned Single Judge suffers from a patent illegality. We find no such infirmity in the order under appeal.

The Writ Appeal fails and is accordingly dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

11th August 2017
RRB