



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15-11-2021

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.30321 of 2015
And
MP Nos.1 and 2 of 2015

L.Rajcoumar

..Petitioner

vs.

1.The Secretary to the Government,
Art, Cultural Department,
Government of Puducherry,
Secretariat,
Puducherry.

2.Karunakaran

3.R.Sanal Kumar

4.Palanivel
(R-2 to R-4 impleaded vide order
of Court dated 15.11.2021 made
in MP No.3 of 2015 in WP
No.30321 of 2015)

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent in relating to the selection of 'Kalaimamani' Award dated 13.08.2015 and quash the same as far as under the category of Folk is concerned as the selection is arbitrary, illegal, consequently direct the respondent to constitute a Committee consisting of eminent person in the field of Martial Art of Silambattam, and select the eligible candidates after conducting enquiry as to the claim of achievement of each candidates affording them personal hearing for conferring 'Kalaimamani' Award for the years 2010, 2011 and 2012.

For Petitioner
For Respondents

: Mr.P.R.Thiruneelakandan
: Mr.R.Syed Mustafa,
Additional Government Pleader
(Puducherry).



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O R D E R

The Award of 'Kalaimamani' title can never be claimed as a matter of right. Awards are granted on relative and comparative merits in a particular field and decided by the Committees constituted for that purpose.

2. There may be grievances in respect of Award of Title. However, the process is made through Selection Committee. However, such disputes cannot be resolved by the High Court in the writ proceedings under Article 226 of the Constitution of India, as the selection, being the "subjective satisfaction" of the Committee and judicial interference is undoubtedly restricted.

3. The power of judicial review under Article 226 of the Constitution of India is to interfere with the processes through which a decision taken by the Competent Authority in the manner known to law, but not the decision itself.

4. This being the basic principles and the powers conferred to the High Court under Article 226 of the Constitution of India, the list of Awardees, namely, 'Kalaimamani' Award, which is of the years 2010, 2011 and 2012 published in the year 2015, cannot be gone into by this Court after this length of time. The list of Awardees were finalised and they were granted the Awards long back.

5. The learned counsel for the petitioner with anguish lamented that Experts in the field are not part of the Committee Constituted for the purpose of finalising the list of eligible persons for grant of 'Kalaimamani' Award. However, on account of efflux of time, this Court cannot undo the exercise already completed long back. Thus, the case of the petitioner is to be considered in the forthcoming process of selection, if he is otherwise eligible and qualified for the purpose of grant of Award.

6. This Court wishes the petitioner for due recognition of his talent in a particular Folkart and also such real talents are recognised.

7. With the abovesaid observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar



Svn

To

The Secretary to the Government,
Art, Cultural Department,
Government of Puducherry,
Secretariat,
Puducherry.

+1 cc to Government Pleader (Pondy) Sr.NO. NO. 58803

WP 30321 of 2015

GPL (CO)
A.SK (03.12.2021)