

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR.JUSTICE BASANT BALAJI
Monday, the 28th day of July 2025 / 6th Sravana, 1947
WP(C) NO. 45335 OF 2024(S)

PETITIONER:

NAVAS.A, AGED 43 YEARS, S/O.ASANARU PILLA,
NAVAS MANZIL, AP VII/171(NEW), PAICHIRA,
PALLIPPURAM.P.O, THIRUVANANTHAPURAM,
PIN - 695 316.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, NORTH SANDWICH BLOCK, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM DISTRICT, PIN - 695 001.
2. FINANCE DEPARTMENT, GOVERNMENT OF KERALA, REPRESENTED BY ADDL CHIEF SECRETARY, MAIN BLOCK, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
3. PLANNING AND ECONOMIC AFFAIRS DEPARTMENT, GOVERNMENT OF KERALA, REPRESENTED BY ITS PRINCIPAL SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
4. KERALA DEVELOPMENT AND INNOVATION STRATEGIC COUNCIL, REPRESENTED BY ITS EXECUTIVE VICE CHAIR PERSON, INDIA HEIGHTS, GOVT WOMEN'S COLLEGE ROAD, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695 014.

ADDITIONAL R5 IMPLEADED

5. DR. T.M.THOMAS ISSAC, FLAT NO.1C, QUEENS WAY POINT,
KOWDIAR – PATTOM ROAD, THIRUVANANTHAPURAM, KERALA – 695 003.
ADDL.R5 IS IMPLEADED AS PER ORDER DATED 10/04/2025
IN WP(C) 45335/2024.

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue an interim order directing the 1st and 2nd respondents to stay the dispersal of money from Public Exchequer for the expenses that may arise in compliance of Ext P1, pending disposal of the Writ Petition.

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 27/05/2025 and upon hearing the arguments of SRI. AKHIL SUSEENDRAN, Advocate for the petitioner, SRI.K.GOPALAKRISHNA KURUP, ADVOCATE GENERALY, SRI. N.MANOJ KUMAR, STATE ATTORNEY & SRI.V.MANU, SENIOR GOVERNMENT PLEADER for R1 to R3, SRI.S.M.RAJEEVAN, Advocate for R4, SRI.N.RAGHURAJ (SR.) along with M/S. NANDAGOPAL S.KURUP, VIVEK MENON & RANCE R., Advocates for R5 and of SMT.ANJALI MENON, AMICUS CURIAE, the court passed the following:

P.T.O.



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NITIN JAMDAR, C.J.

&

BASANT BALAJI, J.

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Dated this the 28th day of July 2025**ORDER**

Heard Mr. K. Gopalakrishna Kurup, learned Advocate General assisted by Mr. V. Manu, learned Senior Government Pleader for the State, Mr. N. Reghuraj, learned Senior Advocate appearing for Respondent No.5 and Ms. Anjali Menon, learned Amicus Curiae.

2. In this Public Interest Litigation, the challenge is to the Ext.P1 order passed by the Ex-Officio Secretary, Department of Planning and Economic Affairs (Development & Innovation), appointing Respondent No.5 as an advisor to coordinate the activities of the Vinjana Keralam a part of the Kerala Knowledge Economy Mission (KKEM). The order states that Respondent No. 5 has agreed to render his services free of charge; however, provision has been made for reimbursement of fuel and driver expenses in the event he uses his own vehicle. The nature of the appointment of Respondent No. 5, as stated in the Ext.P1 order itself, is in a voluntary advisory capacity, and he will only be reimbursed for his expenses.

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3. In the petition as well as in the note submitted by the learned Amicus Curiae, the challenge to Ext.P1 order is based on the ground that there is no such government department as mentioned in the title of the order and the Ex-Officio Secretary who has signed the order on behalf of the Governor had no authority to issue such an order.

4. On this aspect, the learned Advocate General submits that the confusion has arisen due to the translation of Ext.P1 order from the vernacular language into English. He submits that the correct department is the Department of Planning and Economic Affairs (Development & Innovation), and that, as per the Rules of Business, the transaction of government business is classified and distributed among various departments in accordance with the First Schedule appended to the Rules of Business. The learned Advocate General has also drawn our attention to the details of the sub-departments within the Department of Planning and Economic Affairs, which, *inter alia*, includes the Kerala Development & Innovation Strategic Council. Learned Advocate General further submits that it is correct that the Kerala Development & Innovation Strategic Council is not a main department under the Rules of Business, but it is a part of the Department of Planning and Economic Affairs. Therefore, according to the learned Advocate General, no capital can be made out of this translation and misdescription.

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5. As regards the authority of the Ex-Officio Secretary to issue Ext.P1 order, the contention by the learned Amicus Curiae is that this particular Ex-Officio Secretary has no authority to represent the Government and thus he could not have issued this order. This would entail scrutinising the nature of the post held by the said Ex-Officio Secretary, including the manner of his appointment, powers, and other relevant details. The Ex-Officio Secretary has not joined as a Party Respondent, and an enquiry into the validity of his power and the legality of his status cannot be carried out in his absence.

6. Learned Advocate General submits that, irrespective of the controversy, to put a quibus, the State may consider issuing a simplicitor order of ratification if this is the only ground raised in this petition.

7. At the request of the learned Advocate General, post on 18 August 2025.

Sd/-

NITIN JAMDAR
CHIEF JUSTICE

Sd/-

BASANT BALAJI
JUDGE

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APPENDIX OF WP(C) 45335/2024

Exhibit P1

**TTHE TRUE COPY OF THE G.O(ORD) NO.118/2024/PLG&EA
(DVPMT & INNOVATION) DATED 12.12.2024 ISSUED BY
PLANNING AND ECONOMIC AFFAIRS (DEVELOPMENT AND
INNOVATION) DEPARTMENT WITH ENGLISH TRANSLATION.**

