
(1993) 11 KL CK 0022
In the High Court Of Kerala
Case No : O.P. No. 15245 of 1993-M

William John @ Gandeewan

APPELLANT

Vs

Minister for Cultural Affairs and Others

RESPONDENT

Date of Decision : 25-11-1993

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (1993) 11 KL CK 0022

Hon'ble Judges : K.G. Balakrishnan, J

Bench : Single Bench

Advocate : J. William John, for the Appellant; A.M. Poulouse, Government Pleader, for the Respondent

Judgement

K.G. Balakrishnan, J.—Conferment or Awards and title has always been a controversial issue and the present case is an outcome of such a controversy. Petitioner, who claims to be a public spirited citizen, challenges the presentation of "Ezhuthachan Award" for the year 1993 to Sri Sooranad Kunjan Pillai. Petitioner alleges that eminent writers in the field of Malayalam Literature were excluded from the purview of consideration for giving this Award. It is alleged that entries were not called for and the selection of the award winner was done by a committee consisted of the Indian Administrative Service. It is further alleged that when the Government institutes an Award every citizen is having a fundamental right that his works also to be considered for the purpose of Award. Petitioner alleges that the procedure adopted by the authorities in conferring Ezhuthachan Award is arbitrary and illegal. Therefore, it is prayed that the matter should be considered afresh by a competent judging committee.

2. I heard the Petitioner's counsel. According to the Petitioner, when the Department of Cultural Affairs of the Kerala Government decided to confer the title "Ezhuthachan Award", there must have been an open invitation and all interested persons should have been given opportunity to submit their applications. Petitioner's counsel also contended that there are so many other

eminent persons in the field of Malayalam Literature and the selection of one person to confer this title is illegal and violative of Article 14 of the Constitution.

3. As regards first contention, I do not think that invariably in all cases application should be invited from the public so as to select the deserving candidate. That is also a mode of selection which could be resorted to by the authorities. In the instant case, I understand that there was a committee consisting of Dr. K.M. Tharakan, Dr. Ayyappa Panickar, Dr. Babu Paul and Sri K. Asokan. The members of the committee are definitely notable persons in the field of Malayalam Literature. The Committee must have considered all the important personalities for the purpose of conferring this Award. It is true that in a matter of this nature, it would be a difficult thing to choose the right person. The Petitioner has no case that Shri Sooranad Kunjan Pillai is a person who has not contributed anything to the Malayalam Literature. He has proved his eminence in many fields of Malayalam Literature. There may be other eminent persons also who are fit and deserving to get Awards of this nature. The conferring of Awards and the mode of selection would always be subject to opposition and criticism. Even the Award of Nobel Prize is not free from such things. But I do not think that for matters like this the principles of judicial review could be applied and the court can assume the role of the decision-making authority and do contrary to what has been done by the authorities.

4. Petitioner has no case that the giving of this Award was for any external consideration and motivated by any self interest. Conferring of this Award is being done as part of the cultural development of the state. It is duty of the Department of Cultural Affairs to give incentive and help to persons who are engaged in the field of cultural activities. The conferring of Ezhuthachan Award to Shri Sooranad Kunjan Pillai is to be appreciated in that line.