



2026:KER:56792

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 28TH DAY OF JULY 2026 / 6TH SRAVANA, 1948

WP(C) NO. 11070 OF 2026

PETITIONER:

ALL KERALA AKSHAYA ENTREPRENEURS CONFEDERATION,
REG. NO. TC/1018/2012,
KOLLAM DISTRICT,
REPRESENTED BY ITS SECRETARY SRI. NANDHAKUMAR R,
PUNNAPALLIL THAZHATHIL,
KARIMPINPUZHA P.O., PUTHOOR,
KOLLAM DISTRICT, PIN - 691513

BY ADVS.
SHRI.V.PREMCHAND
SMT.C.P.MANISHA
SMT.PINKY A.R.

RESPONDENTS:

- 1 THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT,
THIRUVANANTHAPURAM DISTRICT, PIN - 695001
- 2 THE SECRETARY,
INFORMATION AND TECHNOLOGY DEPARTMENT (C) ,
SECRETARIAT,
THIRUVANANTHAPURAM DISTRICT, PIN - 695001



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- 3 THE DIRECTOR
AKSHAYA, STATE IT MISSION OFFICE,
KELTRON CAMPUS, VELLAYAMBALAM,
THIRUVANANTHAPURAM DISTRICT, PIN - 695001
- *4 VIJAYA KUMAR,
AGED 48 YEARS, S/O.RAMAKRISHNA PILLAI,
RAMAKRISHNA VILASAM, KOIPURAM,
PATHANAMTHITTA DISTRICT, PIN - 680 548.
- *5 SAJNA T.,
AGED 35 YEARS, D/O.ALI,
THOZHALIL HOUSE,
KADAMPUZHA, KAREKKAD,
MARAKKARA, MELMURI,
MALAPPURAM DISTRICT, PIN - 676 553.
- *6 SUNITHA V.K.,
AGED 48 YEARS, W/O.DILEEP KUMAR K.K.,
CHUNDEKKATTIL,
VANNAPPURAM P.O., ODIYAPARA,
IDUKKI DISTRICT, PIN - 685 607.
- *7 ROOPA A. NAIR,
AGED 50 YEARS, D/O.P.V. APPUKUTTAN NAIR,
KAVILKIZHAKKETHIL,
NEELAMPEROOR P.O., KURICHY,
KOTTAYAM DISTRICT, PIN - 686 532.
- *8 SREE LAKSHMI M.S.,
AGED 35 YEARS, D/O.MURALEEDHARAN PILLAI,
PULLELIL PARAMPIL,
EDAKUNNAM, CHARUMMOODU P.O.,
ALAPPUZHA DISTRICT, PIN - 690 505.
- *9 NISHA E.M.,
AGED 44 YEARS, W/O.SIDDIQUE K.V.,
KALAPPURAKAL,
MANJUMEL P.O., UDYOGAMANDAL,
ERNAKULAM DISTRICT, PIN - 683 501.



- *10 MOHAMMED ANWAR C.V.,
AGED 38 YEARS, S/O.MOIDEEN C.V.,
CHERUVALAPPIL HOUSE,
VENGARA, K.K. NAGAR ROAD, VENGARA,
MALAPPURAM DISTRICT, PIN-676 304.
- *11 SMITHA KRISHNAN,
AGED 43 YEARS, APPUZHANJIYIL,
PODIYADI P.O., NEDUMPURAM,
PATHANAMTHITTA DISTRICT-689 110.
- *12 ALPANA GOPI,
AGED 32 YEARS, D/O.GOPI,
PONAL LOUISE BHAVAN,
PATTOOR P.O., NOORNAD,
ALAPPUZHA DISTRICT - 690 529.
- *13 MUHAMMED THANSHEER V.,
AGED 32 YEARS, S/O.ABDUL LATHEEF V.,
VELLARATHINGAL,
ENANCHERIPARAMBH, PULLUMKUNNU,
CHELAMBRA,
MALAPPURAM DISTRICT, PIN-673 634.

*(ADDL.R4 TO R13 ARE IMPEADED AS PER ORDER DATED
03.07.2026 IN IA NO.4/2026 IN WP(C)
NO.11070/2026).

BY ADVS.

SRI.ANIRUDH KADAVIL, GOVT. PLEADER

SRI.BABU S. NAIR

SMT.SMITHA BABU

SRI.P.A.RAJESH

SHRI.PRANAV

SRI.K.P.DHANEESH

SHRI.SIDDHARTH KARUN PISHARODY

SMT.FARSANA NOUSHAD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21.07.2026, ALONG WITH WP(C)NO.8974/2026, THE COURT ON
28.07.2026 DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 28TH DAY OF JULY 2026 / 6TH SRAVANA, 1948

WP(C) NO. 8974 OF 2026

PETITIONER:

MOIDEEN
AGED 37 YEARS,
S/O ILLICKALCHOLAYILPOCKERL,
ARAVANKARA,
POOKOTTUR,
MALAPPURAM, PIN - 676517

BY ADVS.
SRI.P.A.MOHAMMED SHAH
SHRI.SAHAL SHAJAHAN
SHRI.AQUIN KURUVILLA TOM
SHRI.M.N.MOHAMMED HUSSAIN
SMT.NAFIYA SHAHALA C.K.
SHRI.JITHIN ALEXANDER SUNNY
SMT.AYISHA RISWANA
SMT.REJABANA PARVEEN T. R.
SMT.FEMITHA FATHIMA
SMT.ALMIYA AJI
SHRI.CHELSON CHEMBARATHY

RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY
NORTH SANDWICH BLOCK, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001



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- 2 PRINCIPAL SECRETARY
DEPARTMENT OF ELECTRONIC AND INFORMATION
TECHNOLOGY, THE SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 3 KERALA STATE IT MISSION (KSITM)
REPRESENTED BY ITS DIRECTOR SAANKETHIKA,
VRINDAVAN GARDENS, PATTOM P.O.,
THIRUVANANTHAPURAM, PIN - 695004
- 4 AKSHAYA STATE PROJECT OFFICE
REPRESENTED BY ITS DIRECTOR, SAANKETHIKA,
2ND FLOOR, VRINDAVAN GARDENS,
PATTOM P.O.,
THIRUVANANTHAPURAM, PIN - 695004
- 5 PRINCIPAL SECRETARY
LOCAL SELF-GOVERNMENT DEPARTMENT,
SWARAJ BHAVAN, NANTHANCODE,
KAUDIAR PO, THIRUVANANTHAPURAM,
KERALA, PIN - 695003

SMT LAYA MARY JOSEPH, GOVT. PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21.07.2026, ALONG WITH WP(C)NO.11070/2026, THE COURT ON
28.07.2026 DELIVERED THE FOLLOWING:



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“C.R.”**BECHU KURIAN THOMAS, J.****W.P.(C) Nos.11070 & 8974 of 2026**Dated this the 28th day of July, 2026**JUDGMENT**

An Association of existing Akshaya entrepreneurs has, in W.P. (C) No.11070 of 2026, challenged a notice issued for paper publication, calling for fresh applications from persons who are interested to become Akshaya entrepreneurs in the State. The said Association also challenges the notification proposing to start 17 new Akshaya centres at different locations in Kollam District. In W.P.(C) No. 8974 of 2026, the petitioner challenges a Government Order dated 28.06.2025 notifying sanction to commence Akshaya Centres at 912 locations in the State and has also questioned the absence of any reservation for persons with disabilities. As the issues involved in these two writ petitions are similar, they are disposed of by this common judgment.



2. Petitioner in W.P.(C) No.11070 of 2026, alleges that the Kerala State Information Technology Mission conceived the idea of Akshaya Centres with the prime objective to bridge the gap between the rich and the poor in the matter of information technology by setting up an effective network of Akshaya Centres across the length and breadth of the State. The petitioner also alleges that the entrepreneurs commenced their respective Akshaya centres based on the promise that the services rendered by the Government to citizens, will be routed through the Akshaya centres in the State. However, soon, difficulties arose and the income generated from the centres became low with the nominal fee fixed becoming insufficient to meet the expenses of the centres, especially since many of the departments ignored the direction of the Government to route their services through Akshaya centres. According to the petitioner, it is amidst all these difficulties that the Government has now invited applications to set up new Akshaya centres in around 1037 centres across the State. The petitioner alleges that notification has been published without reserving any centre to women or to the differently abled category and



even the reservation for Scheduled Caste and Scheduled Tribes are calculated at less than 10% of the total allotted centres. According to the petitioner, Ext.P4 and Ext.P6 notifications have been issued without conducting any proper study and without following the rules of reservation and the indiscriminate allotment of Akshaya centres without a proper study will have a serious impact on the existing Akshaya entrepreneurs.

3. In W.P.(C) No. 8974 of 2026, petitioner alleges that he is a person with 60% locomotor disability and he challenges the notification dated 28.06.2025, sanctioning 912 new Akshaya centres across the State. The main grievance of the petitioner is that the new Akshaya centres have been allocated in an arbitrary and disproportionate manner, without providing for any reservation, preference or relaxation for persons with benchmark disabilities, despite the statutory mandate under the Right of Persons with Disabilities Act, 2016 (for short 'RPwD Act'). Petitioner alleges that the failure to incorporate any reservation or enabling provisions for persons with disabilities has the effect of



excluding an already disadvantaged class from meaningful participation in State sponsored empowerment programmes, thereby frustrating the object of the legislation.

4. Counter affidavits have been filed separately in both the writ petitions. On behalf of the third respondent in W.P.(C) No.11070 of 2026, it is pleaded that the real intention behind the writ petition is to halt the selection process for the new Akshaya centres. According to the respondents, the procedure adopted by them for identifying new locations is transparent, involving a rigorous multi-level verification process. It is also stated that specific distance norms have been maintained to ensure that the existing entrepreneurs continue as financially viable establishments and the limits are set at 2 km in Grama Panchayats, 1.5 km in Municipalities and 1 km in Corporation. It is also stated that the Akshaya Centres are service centres and cannot be treated as business centres, enabling the franchises to run the centre with a profit motive alone. It is also stated that pursuant to the notification, a large number of applications were received from



aspiring entrepreneurs and the new centres have been identified in remote areas and tribal colonies where, at present, people have to travel long distances to avail the services. The respondent also alleged that, the qualifications required the eligible candidates to be aged between 18 and 50 years, possessing a minimum qualification of Plus Two or Pre-Degree and they are ranked on the basis of a standardised examination and interview. Respondent has also stated that the reservation for SC/ST categories is based on formal recommendation of specific locations from the respective SC/ST development department. It is also stated that the absence of allocation of specific locations to women candidates is misplaced as in the selection process, a robust affirmative action model is carried out and a special weightage in the form of additional marks is granted to all eligible women candidates. It is also stated that though, during the process, repeated communications were sent to the social justice department for their advice on the specific categories and percentage of disability to be considered for granting reservation to the physically challenged category, there was no response.



5. Respondents 4 to 13 impleaded in W.P.(C) No.11070 of 2026, are persons who had submitted their applications pursuant to the notification for commencement of Akshaya centres. It is pleaded that none of the legal or constitutional rights of the petitioner Association has been violated and that the Government had decided to open new Akshaya centres based on public demand. According to them, the allotment of an Akshaya centre to interested entrepreneurs is in the form of a largesse or a privilege and therefore the principles of reservation contained in Article 16 of the Constitution of India have no application.

6. In the counter affidavit in W.P.(C) No. 8974 of 2026, apart from the earlier referred averments, it has been stated that the proposal to introduce special reservation for persons with disabilities for starting new Akshaya centres did not elicit any reply from the social justice department, and hence the special reservation could not be incorporated. It is also stated that once proper guidelines are framed by the competent authority, a special drive shall be conducted to



select entrepreneurs from the candidates of such specified categories.

7. I have heard Sri.V.Premchand and Smt.Nafiya Shahala C.K., the learned counsel for the petitioners, Sri. Anirudh Kadavil and Smt. Laya Mary Joseph, the learned Government Pleaders as well as Sri. Babu S. Nair, the learned counsel for additional respondents 4 to 13.

8. The Akshaya project is a flagship e-governance initiative of the Government of Kerala, executed through the Kerala State IT Mission. The vision of Akshaya centres, as evident from the pleadings, is to balance the dual goals of generating sustainable grassroots self-employment and delivering seamless last-mile citizen services. The Akshaya Centres are intended to connect the general public with Government services, which otherwise were provided without levying any service charges. An entrepreneur is identified and a contract is entered into to run the centre for a period of time. The scheme is also intended to fill the gaps in computer skills and unequal access to technology to enable all in the society to use digital tools for their



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benefit. The scheme, in fact, addresses the issue of digital illiteracy and digital divide among the general public. There is no employment in Government service but only a platform for accessing various Government services.

9. The main ground of challenge in these two writ petitions is based on the absence of any reservation for women as well as for differently abled candidates. As rightly contended by the learned Counsel for respondents 4 to 13, the petitioner in W.P.(C) No.11070 of 2026, is not a person aggrieved by the notification, as no legal or constitutional right of the Association or that of its members have been affected. Hence the said writ petitioner cannot have any cause of action to challenge the notification.

10. The grant of an Akshaya Centre or allotment of an Akshaya Centre is a form of contractual arrangement and a measure of privilege extended to persons who are identified on the basis of satisfaction of their compliance with certain eligibility conditions. There



is no right for any person to be allotted an Akshaya Centre. The allotment of an Akhsaya Centre is neither a form of employment nor an appointment to an office under the State.

11. Article 16 of the Constitution of India which states that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State applies, to instances when there is employment by the State. Equality of opportunity under the constitutional scheme of Article 16 applies in matters of public employment. The said provision has no application when the engagement is as a contractor. Reference to the decision in **C.K.Achuthan v. State of Kerala and Others** [AIR 1959 SC 490].

12. Under Article 15(3) of the Constitution, the State is empowered to make any special provision for women, which in fact is an exception to the rule against discrimination under Article 15(1) and 15(2). Though such special provisions can be made, either by legislation or by executive orders, absence of such special provision



for women, cannot render a selection process to identify a contractor, as in the case of an Akshya Entrepreneur, void or illegal. As mentioned above, even if it is open to the Government, to include, even in matters of grant of privilege or a largesse, the principles of reservation, the constitutional mandate of substantive equality ought to be context based. Such affirmative actions cannot be applied *de hors* the nature and scope of the scheme. In the instant case, neither the scheme nor the guidelines stipulate any reservation for women and hence the selection cannot be stalled or interfered with for the lack of it. Thus the entire premise on which the writ petition has been filed is legally not tenable as the petitioner has no right to question the notification issued as per Ext.P4 and Ext.P6.

13. Notwithstanding the above, it is evident from the counter affidavit, that while identifying a new Akshaya entrepreneur, a special weightage in the form of additional marks is granted to all eligible women candidates.



14. Further, even with respect to persons with disabilities, section 34 of RPwD Act mandates reservation only for vacancies in Government employment while section 20 of the said statute prohibits discrimination in Government employment. An abstract of Sections 20(1) and 34(1) of the RPwD Act, to the extent relevant are extracted below:-

“20. Non-discrimination in employment.—(1) No Government establishment shall discriminate against any person with disability in any matter relating to employment:

Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section.

34. Reservation.—(1) Every appropriate Government shall appoint in every Government establishment, not less than four per cent. of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one per cent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent. for persons with benchmark disabilities under clauses (d) and (e), namely:—

(a) blindness and low vision;

(b) deaf and hard of hearing;

(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

(d) autism, intellectual disability, specific learning disability and mental illness;

(e) multiple disabilities from amongst persons under clauses (a) to

(d) including deaf-blindness in the posts identified for each disabilities:”

15. A reading of the above Sections 20(1) and 34(1) of RPwD Act, reveals that those provisions cannot apply to the grant of



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contracts or to schemes which do not provide for any Government employment or create a vacancy in a Government Department.

16. The petitioners have not been able to point out any provision of law or even any stipulation in an executive order, which compel the Government to provide reservation for women or for differently abled persons, in the matter of allotment of Akshaya centres. In such circumstances, there is no merit in the contentions raised in both the writ petitions.

Hence these writ petitions are dismissed.

**Sd/-
BECHU KURIAN THOMAS
JUDGE**

vps



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APPENDIX OF WP(C) NO. 11070 OF 2026

PETITIONER'S/S' EXHIBITS

Exhibit-P1	A TRUE COPY OF THE JUDGMENT DATED 16.06.2025 IN WP(C) 20495 OF 2025 BEFORE THE HON'BLE HIGH COURT OF KERALA, AT ERNAKULAM
Exhibit-P2	A TRUE COPY OF THE ORDER DATED 23.12.2013 ISSUED BY THE 3RD RESPONDENT
Exhibit-P3	A TRUE COPY OF THE ORDER DATED 26.09.2014 ISSUED BY THE 2ND RESPONDENT ALONG WITH TYPED COPY
Exhibit-P4	A TRUE COPY OF THE NOTIFICATION DATED NIL ISSUED BY THE ADMINISTRATIVE OFFICER, AKSHAYA STATE OFFICE, THIRUVANANTHAPURAM
Exhibit-P5	A TRUE COPY OF THE CHART
Exhibit-P6	A TRUE COPY OF THE ORDER DATED 20.02.2026 ISSUED BY THE DISTRICT COLLECTOR, KOLLAM
Exhibit-P7	A TRUE COPY OF THE COMMUNICATION DATED 07.10.2025 ISSUED FROM THE DISTRICT PROJECT OFFICE, KOLLAM
Exhibit-P8	A TRUE COPY OF THE PETITION DATED 23.02.2026 BEFORE THE CHIEF SECRETARY GOVERNMENT OF KERALA
Exhibit P9	A TRUE COPY OF THE ADMIT CARD ISSUED TO AN APPLICANT

RESPONDENT'S/S' EXHIBITS

Exhibit R3(a)	A TRUE COPY OF GO(MS) NO.24/2021/ITD DATED 30/07/2021
Exhibit R3(b)	A TRUE COPY OF THE LETTER NO. AKS/686/2018-AO DATED 19.02.2024
Exhibit R3(c)	A TRUE COPY OF GO(MS) NO.24/2021/ITD DATED 30/07/2021



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APPENDIX OF WP(C) NO. 8974 OF 2026

PETITIONER'S/S' EXHIBITS

Exhibit P1	A TRUE COPY OF THE UNIQUE DISABILITY ID CARD OF THE PETITIONER
Exhibit P2	A TRUE COPY OF THE GOVERNMENT ORDER NO. 17/2007/ITD DATED 31.07.2007
Exhibit P3	A TRUE COPY OF THE GOVERNMENT ORDER NO. 24/2019/ITD DATED 30.10.2019
Exhibit P4	A TRUE COPY OF THE GOVERNMENT ORDER DATED 30.07.2021 ISSUED BY THE RESPONDENT NO.2
Exhibit P5	A TRUE COPY OF THE ORDER DATED 28.06.2025
Exhibit P6	A TRUE COPY OF THE NOTIFICATION
Exhibit P7	A TRUE COPY OF THE APPLICATION DATED 05.03.2026 OF THE PETITIONER

RESPONDENT'S/S' EXHIBITS

Exhibit R4(a)	A TRUE COPY OF PROPOSAL TO INTRODUCE SPECIAL RESERVATION FOR PERSONS WITH DISABILITIES FOR STARTING NEW AKSHAYA CENTRES SUBMITTED TO SOCIAL JUSTICE DEPARTMENT.
Exhibit R4(b)	A TRUE COPY OF GO(MS)NO.24/2021/ITD DATED 30/07/2021