

**2026:KER:80244**

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
FRIDAY, THE 16TH DAY OF OCTOBER 2026 / 24TH ASWINA, 1948
WP(CRL.) NO. 968 OF 2026

PETITIONER:

ADV.K.M.SHAJAHAN
AGED 63 YEARS
S/O LATE. K.B MUHAMADALI, ADVOCATE, NEETHI, TC5/715(5), PARAYANKONAM LANE, SREEKARYAM,
THIRUVANANTHAPURAM, PIN - 695017
BY ADVS.
SRI.V.SETHUNATH
SHRI.THOMAS ABRAHAM (K/1051/2010)
SHRI.SREEGANESH U.

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO GENERAL ADMINISTRATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
 - 2 THE PRINCIPAL SECRETARY TO HOME DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
 - 3 THE SECRETARY TO SPORTS & YOUTH AFFAIRS DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
 - 4 THE STATE POLICE CHIEF
POLICE HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695010
 - 5 THE DIRECTOR
VIGILANCE ANTI-CORRUPTION BUREAU, VIKAS BHAVAN, PMG LAW COLLEGE ROAD,
THIRUVANANTHAPURAM, PIN - 695033
 - 6 ADDL DIRECTOR GENERAL OF POLICE (ADGP) (PHQ)
POLICE HEADQUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695010
 - 7 ADDL DIRECTOR GENERAL OF POLICE (ADGP) (BATTALION)
ARMED POLICE BATTALIONS HEADQUARTERS, PIPINMOODU, THIRUVANANTHAPURAM, PIN - 695005
 - 8 CENTRAL SPORTS OFFICER
KERALA POLICE CENTRAL SPORTS OFFICE, UNIVERSITY OF KERALA SENATE HOUSE CAMPUS,
PALAYAM, THIRUVANANTHAPURAM, PIN - 695034
 - 9 BISHWANATH SINHA I.A S
(PRESENTLY WORKING AS) PRINCIPAL SECRETARY TO HOME DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
 - 0 RAVADA A. CHANDRASEKHAR I.P.S
D.G.P), PRESENTLY WORKING AS STATE POLICE CHIEF, POLICE HEADQUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM, PIN - 695010
 - 11 S.SREEJITH I.P.S
ADDL DIRECTOR GENERAL OF POLICE (ADGP) (JAIL), (PRESENTLY WORKING AS) DIRECTOR GENERAL
OF PRISONS & CORRECTIONAL SERVICES, POOJAPPURA.P.O, THIRUVANANTHAPURAM, PIN - 695012
- *ADDL.R12 IMPEADED
ADDL.R12 SHINU CHOVVA
AGED 41 YEARS, C/O.OMANA C, RESIDING AT NILE, ARUKKAVIL HOUSE, KANDERI, KOOTHUPARAMBA,
NIRMALAGIRI, KANNUR - 670 701.
(ADDL.R12 IS IMPEADED AS PER ORDER DATED 03/07/2026 IN IA 1/2026 IN WP(CRL.)968/2026.
R1 TO R7 BY
ADV.SRI.T.ASAF ALI, DGP
SPL.GOVERNMENT PLEADER SRI.RASHEED C.NOORANAD
SR.PUBLIC PROSECUTOR SMT.LALIZA T.Y.
R12 BY ADVS.SHRI.K.S.ARUN KUMAR
SMT.T.N.SREEKALA
SHRI.VIJAY SANKAR V.H.
SHRI.DEVARAJ SUBRAMANIAN

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 17.08.2026, THE COURT ON
16.10.2026 DELIVERED THE FOLLOWING:

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JUDGMENT

Dated this the 16th day of October, 2026

This Writ Petition (Crl.) has been filed under Article 226 of the Constitution of India and the prayers are as under:

“(i) Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 5th respondent to take up, consider and pass orders on Ext.P-8 & P9 complaint, along with relevant files and back files that led to Ext.P1 to P3 & Ext.P5 Govt orders, conducting enquiry or investigation by himself forthwith and to lay the report thereof before this court.

(ii) Grant such other and further reliefs as this Hon’ble Court deems fit and proper in the circumstances of the case.”

2. Heard the learned counsel for the writ petitioner and the learned Director General of Prosecution Sri.T.Asaf Ali appearing for respondent Nos.1 to 7. Also heard the learned counsel appearing for respondent No.12, who got impleaded by himself and perused the



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records.

3. The main prayer in the writ petition is for a direction to the 5th respondent to take up, consider and pass orders on Exts.P8 and P9 complaints filed by the petitioner. During the pendency of this writ petition, multiple interim orders have been passed by this Court, since they are self-speaking, the same are extracted as under:

Interim order dated 03.07.2026

“Exts. P1 and P2 files directed to be produced in sealed cover have been placed in open court by the learned Government Pleader, representing VACB. For the time being, the Registry is directed to keep the same, in safe custody, until further orders in this case.

2. In the report submitted by the Superintendent of Police, VACB, Southern Range, Thiruvananthapuram, it is stated that Ext.P8 complaint filed by the petitioner, received on 21.04.2026, was forwarded to the Government on 23.04.2026 for necessary action and sanction, required for an open enquiry. The report does not show, who is the officer of the Government addressing in this regard.

3. According to the learned Government Pleader,



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the same is now pending before the Additional Chief Secretary (Home) for consideration. Since it is noticed that Ext.P8 has been pending before the Additional Chief Secretary (Home) for more than two months, there shall be a direction to the second respondent to take appropriate decision in Ext.P8, within a period of two weeks and file report regarding the same, positively on 17.07.2026.

Post on 17.07.2026.

I.A. No. 1 of 2026

This is an application filed by Shinu Chovva, seeking to implead himself as a party in the proceedings, since he is one among the person appointed in view of Ext.P1 order.

No objection is raised.

I.A.No.1/2026 is allowed and the applicant is impleaded as additional 12th respondent in the writ petition.”

Interim order dated 17.07.2026

“In this case, even though as per Ext.P10, now



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produced along with I.A.No.2/2026, on 06.07.2026, Sri.Binil V.V., the Deputy Secretary for Additional Chief Secretary to Government, informed the petitioner that he found that "the allegations raised by the you against senior police officers are found to be baseless and devoid of merit, as the procedures prescribed have been duly complied with.", Sri.Juvvanapudi Mahesh IPS, the Superintendent of Police, VACB, Southern Range, Thiruvananthapuram, filed a report and in paragraph No.5, it is stated as under:

"5. It is submitted that after obtaining prior sanction under 17A of Prevention of Corruption Act 2018 from the Government to conduct a Preliminary Enquiry, a detailed enquiry will be conducted on this complaint."

2. The learned Special Government Pleader, appearing for the VACB, seeks two weeks' time to consider the grant of prior approval under Section 17A of the Prevention of Corruption (Amendment) Act, 2018, in the instant case, as reported by the Superintendent of Police, VACB.



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3. Therefore, there shall be a direction to the 2nd respondent to consider the grant of prior approval under Section 17A of the Prevention of Corruption (Amendment) Act, 2018, as submitted by the learned Special Government Pleader, within a period of two weeks.

Post on 03.08.2026.”

Interim order dated 03/08/2026

“In this case, today the learned Special Government Pleader appearing for the Government, placed a letter at the instance of Sri. Binil V.V., Deputy Secretary, for Additional Chief Secretary to the Government addressed to the Advocate General, Ernakulam requesting him to seek further time of two weeks for complying the order of this Court dated 17.07.2026. Thus the learned Special Government Pleader sought two weeks time as requested.

2. In the meantime, the learned counsel for the petitioner would submit that despite undertaking to consider the grant of prior approval under Section 17A of the Prevention of Corruption (Amendment) Act, 2018, the suspected officer was given promotion to the



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post of Director General of Police in a hurry-burry manner on the midnight of 31.07.2026, i.e., on the date of retirement of the other Director General of Police, even without getting a vigilance clearance in view of pendency of proceedings involving serious allegations against Sri. S. Sreejith. Thus according to the learned counsel for the petitioner, the promotion of Sri. S. Sreejith, IPS to the post of Director General of Police is in violation of the Rules and norms and the same would not sustain in the eye of law. Further, the same amounts to contempt of court.

3. Having considered the rival submissions, it is made clear that if the promotion given to Sri. S. Sreejith IPS is in violation of the Rules or procedure, the same is a matter of challenge and the aggrieved person or anybody as a whistle-blower is at liberty to challenge the same, in accordance with law.

4. At the same time, two weeks time sought for in this case to consider the grant of prior approval under Section 17A of the Prevention of Corruption (Amendment) Act, 2018 cannot be considered as the same found to be a dilatory tactic to prolong the matter, as already two weeks time granted as per order



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dated 17.07.2026. Therefore, the Additional Chief Secretary to Government is specifically directed to consider the grant of prior approval under Section 17A of the Prevention of Corruption (Amendment) Act, 2018 on or before, 10.08.2026, to avoid unpleasant outcome of events for the non-compliance of the order.

Post on 11.08.2026.”

Interim order dated 11/08/2026

“Today, a counter statement has been filed on behalf of the 2nd respondent along with a Government Order. Based on the counter statement, the learned DGP submitted that there is no necessity to conduct a preliminary enquiry after obtaining approval under Section 17A of the PC Act. The learned counsel appearing for the petitioner would submit that he has received a copy of the counter statement and the G.O. only now and, therefore, he wants time to go through the same and file a reply. This submission, along with the submission recorded in the interim order dated 17.07.2026, is recorded.

In view of the above, post this matter on 17.08.2026, so that the petitioner can file a reply affidavit, if any. Similarly, the records produced before this Court in a



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sealed cover shall also be appended to the case bundle for consideration of the matter on merits and disposal of the same on 17.08.2026.”

4. Going through the interim order passed by this Court dated 03.07.2026, a direction was given to the 2nd respondent to take appropriate decision in Ext.P8, within a period of two weeks from 03.07.2026. It was thereafter, on 17.07.2026, this Court passed an interim order directing the 2nd respondent to consider the prayer to grant prior approval under Section 17A of the Prevention of Corruption (Amendment) Act, 2018 (for short, ‘the PC (Amendment) Act, 2018’ hereinafter) in tune with the submission made by the learned Special Government Pleader. Again, the same was extended till 10.08.2026 as per order dated 03.08.2026. On 11.08.2026, the 2nd respondent filed a counter statement along with a Government Order, whereby sanction under Section 17A of the PC (Amendment) Act, 2018 was rejected by the 2nd respondent.



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5. The learned counsel for the petitioner argued that in this case, appointment given to Sri.Shinu Chovva, the additional respondent No.12 and Sri.Chithresh Natesan by the previous LDF Government to the post as Inspectors in Armed Police, even after their failure to pass physical fitness test involves corruption. Ext.P8 is the complaint lodged by the petitioner before the Director of Vigilance and Anti-Corruption Bureau, Thiruvananthapuram, wherein it has been averred as under:

“1.It is further submitted that the applications of Shri Chithresh Natesan, a native of Vaduthala, Ernakulam, and Shri Shinu Chovva, a native of Kannur, were treated as special cases, and a decision was taken by the Council of Ministers last year to grant them appointments, citing their achievements in international bodybuilding competitions. In the process, the standing prohibition against direct recruitment to the post of Inspector under the sports quota was deliberately overridden.

2.When the proposed appointments became controversial both within and outside the police force,



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the authorities conducted a physical efficiency test. However, Shri Chithresh did not participate in the said test, and Shri Shinu Chovva failed to qualify. Despite this, immediately prior to the Legislative Assembly elections, the file was revived, and ADGP (Administration) S. Sreejith recommended to the State Police Chief that appointments be granted. This recommendation was made by disregarding the report submitted by the Battalion ADGP, Dinenra Kashyap, thereby indicating a clear and undue interest on the part of ADGP S. Sreejith. It is also evident that the Home Secretary Biswanath Sinha and the Political Secretary to the Chief Minister, Shri P. Sasi, had intervened in the matter. Hence, It is necessary that the Vigilance Department examine the mobile phone records and WhatsApp communications of ADGP S. Sreejith, Shri P. Sasi and Home Secretary Biswanthsinus during the relevant period.

3.It is submitted that the State Police Chief, Ravada Chandrasekhar, signed the appointment orders based on the recommendation note recorded in the file by ADGP S. Sreejith. Therefore, all files relating to the decision to grant appointment to the said bodybuilders



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may be seized and subjected to a detailed vigilance enquiry.

4. It is further submitted that after their appointment as Inspectors in a high pay scale, a medical examination was conducted in which Shri Chithresh Natesan has reportedly failed, having been found to have "flat foot." On the other hand, Shri Shinu Chovva, who had earlier failed the physical efficiency test, has been declared fit in the medical examination. These aspects also warrant detailed vigilance scrutiny."

6. According to the learned counsel for the petitioner, during the pendency of this writ petition, prior approval under Section 17A of the PC (Amendment) Act, 2018 was denied. According to the learned counsel, the said Government Order itself involves elements of corruption and, therefore, the same is liable to be set aside. It is further submitted that this Court may order a preliminary enquiry, for which no prior approval is required. In this connection, the learned counsel for the petitioner relied on the decision of this Court in **Bindulal V.S. and Others v. State of Kerala and Others**

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[2024 KER 35039], where this Court in paragraph Nos.10 to 12 observed as under:

*“10. The approval as provided under Section 17A comes into play only when the alleged offence is relatable to any recommendation made or decision take by a public servant in discharge of his official functions or duties. This Court in **Shankara Bhat and Others v. State of Kerala and Others [2021(5) KHC 248]** held that, it is not that every offence alleged to have been committed by a public servant under the Act needed prior approval and that approval under S.17A is required only when the alleged offences were relatable to any recommendation made or decision taken by a public servant. In **Shankara Bhat**, this Court held that any commission of any offence or allegation of acts of public servant which is ex facie criminal or constitute an offence or even demanding Illegal consideration may not be treated as an offence related to any recommendation made or decision taken by a public servant. This view was followed by this Court in **Jayaprakash J. and Others v. State of Kerala and Another [2022(1) KHC 206]**, **Venugopal V. and others v. State of***



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Kerala and Another [2021 KHC 565] and in Abdul Sathar T.A. v. State of Kerala [2023 (1) KHC 167].

As far as the allegations related to corruption and malpractice in the selection process in the given case are concerned this Court finds nothing to show that the said allegations are anyway relatable to any recommendation made or decision taken by a public servant. Therefore, I hold that a prior approval under S.17A is not required.

*11. In **Venugopal V. and others v. State of Kerala and Another [2021 KHC 565]**, this Court held that when a constitutional Court passes an order to conduct enquiry or Investigation in an offence under the Prevention of Corruption Act, the bar under Section 17A of the Act does not operate against the police officer.*

*12. Having regard to the nature of allegations levelled by the petitioners, this Court holds that a preliminary enquiry as mandated In **Lalita Kumari v. Government of Uttar Pradesh [2013 (4) KHC 552]** is required. Therefore, the Director VACB (Respondent No.8) is directed to conduct a preliminary enquiry in the matter and proceed in accordance with law. The Director shall complete the preliminary enquiry as expeditiously as possible, at any rate, within a period of three months*



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from the date of production of a copy of this judgment.

The Writ Petition is disposed of as above.”

7. In the reply affidavit filed by the petitioner, multiple aspects have been pointed out, and the averments contained in paragraph Nos.4 to 14 thereof. The same are extracted as under:

*“4. It is stated in the Counter Statement that appointment were made based on **G. O. (P) No. 6/84/Home dated 18-1-1984 and pub. in K. G. Ex. No. 59 dated 21-1-1984 S.R.O. No. 69/84 & G.O.(Ms) No.***

***71/2018/GAD.** Nowhere in the Counter Statement it is stated/ admitted that G.O.(Ms)No.71/2018/GAD is nothing but Ext.P6, the salient features of it were already stated in the Writ Petition itself and G. O. (P) No. 6/84/Home dated 18-1-1984. The true copy of the Kerala Police Subordinate Services (Armed Police Battalions) Special Rules, 1984 (G. O. (P) No. 6/84/Home dated 18-1-1984) is produced here with and marked as **Exhibit-P17**. In the Ext.P17 which is stated as 1984 Rules, it can be seen that the top brass of the Executive had intentionally bypassed the 1984 Rules without any solid explanation.*



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Under Art. 154 of the Constitution of India the Executive powers of the State is subject to Art. 166 of the Constitution of India. Art. 166 stipulates that Govt has to make Rule for each and every transaction. Thus 1984 Rules become very relevant. The G.O becomes a Rule Once it is passed by Legislature. Any amendment to the Rule is to be brought on the floor of the State Legislature. The illegal intake of personnel cannot be made through a Govt. order as Rule has to be amended. The violations as per 1984 Rule is as follows:-

- (i) Body Building is neither an Athletics nor a Games event as stipulated in the Rule.*
- (ii) Only Athletic and Games are included.*
- (iii) The rule provides for only direct appointment as Sub Inspector, Asst. Sub Inspector and Police Constable.*
- (iv) Inspectors cannot be directly appointed under the Rule*
- (v) Havildars can be appointed only by promotion and transfer*
- (vi) Havildars cannot be directly appointed as per 1984 Rules.*
- (vii) The Age limit of the Sub Inspector- 30 years General Quota, 33-OBC and 35 SC/ST*

5. There was no answer in the Statement with regard to



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the averments in the Writ Petition. They are as follows:-

(i) In the Ext.P1- it is stated that the candidates Represented India. This is totally wrong, They only represented a Private Federation and this is totally wrong and this is not an approved athletic or sports item. The Govt was planning to appoint them as class I post which starts with the post of Dy.S.P and ulterior attempt was made to post them later as Dy.S.P which is suppressed in the Counter statement.

(ii) In the Ext.P2- Sri.Kishore Krishnan.A and Sri.Mohamed Muhsin.K.N are seen to be recommended by the selection committee. They produced a certificate of the Panchayath that he is included in the Panchayath Team. Direct appointment as Havildar is not permitted under 1984 Rules.

(iii) Ext.P3 & Ext.P4 Reconstitution of the selection committee was made to engage in corruption and illegal intake of unqualified hands

(iv) In Ext.P5 G.O it is clearly stated that 12th respondent is a winner of Body Beauty contest. It is neither an Athletics event nor a Games event. There is no competition in it and it is a discrimination shown by the Govt. based on the beauty of a person and violates Art. 14



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of the constitution of India.

(v) In Ext.P6 it is sated in Para:-

Para 4 states that no relaxation is to be made in qualifications.

Para 9 states that appointments are to be made through PSC.

Para 12 states that appointment are to be made in only approved category of sports.

Para 13 states that no relaxation are to made in qualification of candidates. Para 18 is relevant -if later on found that appointment is wrong Govt. has authority to cancel it, which means that Govt. was anticipating adverse circumstances of illegal intake.

6. The Ext.P10 is issued by Addl. Chief Secretary (Home). There are admissions of illegalities by the Govt which is mentioned as follows:-

(i) Relaxed the existing Rules as a special case

(ii) A Board was constituted to conduct verification of educational and physical qualifications, National Physical Efficiency One Star Standard Test, medical examination, and police verification of the candidates.

(iii) The physical measurement and physical efficiency tests were conducted on 24.02 2025 at SAP Ground. Shri.



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Chitharesh Natesan did not attend the National Physical Efficiency One Star Standard Test.

*(iv) Shri. Shinu Chovva attended the **but passed only four events** (Shot Put, Throwing Cricket Ball, Rope Climbing, and Chin-ups) out of eight and **was therefore found not qualified in the National Physical Efficiency One Star Standard Test.***

*(v) The candidates have submitted representations requesting exemption from the Physical Efficiency Test, citing certain earlier instances. On verification, it is seen that, in the cases of Shri Sajan Prakash and Smt. Elizabeth Susan Koshy, who were appointed as Armed Police Inspectors in recognition of their performance at the **35th National Games (2016)**, the Physical Efficiency Test was not conducted. Instead, only a medical examination was carried out at the time of their admission to training. Reply of the petitioner to this Para is that Shri Sajan Prakash and Smt. Elizabeth Susan Koshy had participated in National Games and not a private federation.*

(vi) As there is no specific rule providing for direct recruitment of Armed Police Inspectors from among sports personnel,



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vii) The Additional Director General of Police, Armed Police Battalions, has reported that the medical examination of Shri Chitharesh Natesan was conducted on 25.03.2026 at KAP Battalion and he was declared medically unfit due to flat foot.

(viii) As per the Special Rules, flat foot is a disqualification for appointment to the post.

(ix) It is also reported that neither of the candidates has been admitted for training to date, and no proposals from PHQ recommending their appointment have been received in Government so far.

(x) In page no.1 of the Ext.P10 it is stated that there exist a special rule. In the 2nd page of the Ext.P10 it is stated that "As there is no specific rule providing for direct recruitment of Armed Police Inspectors from among sports personnel"

Thus the averment in the writ petition stands proved by the admission of the Addl. Chief Secretary in Ext.P10.

7. The 1984 Rules does not provide for appointment to Body beauty contest winners. The permitted events in 1984 are as follows:-

*(i) **Athletics.**-*

(a) Winning the first, second or third place in individual

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items in National Meets

or

(b) Winning the first or second place in individual items in Athletics in All India Police Games

or

Representing the country in recognized international Athletic Meets.

(ii) Games-

(a) Being a member of the Indian team in recognized International Meets

or

(b) Being a member of the State Team Winning first or second place in recognized National Meets. In Group items in Athletics like 4x100 and 4x400 meters relay etc., securing first place along shall be considered "conspicuous distinction"

Nowhere in the Rules, provide any space for Body Beauty contest winners.

*8. The true copy of the PSC Gazette Notification invited for the post of Asst. Sub Inspector (Armed Police Battalion) dated 30.12.2020 in SC/ST category is produced here with and marked as **Exhibit-P18**. From Ext.P18 it can be seen that even for member of SC/ST,*



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age limit is 36 years, and passing of **five items in physical Test** is mandatory and there is **no second chance** for a failed candidate in Physical test.

9. So many international athletes were denied entry into the Kerala Police because of the over age limit. The Addl. 12th respondent is aged 41 years as is evident from the Counter affidavit filed before this Court.

There are several International Athletes who were denied entry into the Kerala Police as their age limit exceeded. They are as follows:-

(a) **Muhammed Anas Yahiya:** The two-time Olympian and Asian Games medalist faced controversies regarding age limits and administrative rules (such as being initially sidelined or restricted for specific uniform posts due to age barriers like 31 years old), sparking public debate over rigid state criteria for elite athlete. Anas has represented India in the 4x400 m events at the 2016, 2020 and 2024 Olympic Games. He is a Three-time Olympian (2016 Rio, 2020 Tokyo, and 2024 Paris) and 2019 Arjuna- Award recipient. He was denied entry into the Kerala Police and continues in Indian Navy.

(b) **M. Sreeshankar:** The Commonwealth Games and



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Asian Games long jump medalist applied for state support after the 2021 Tokyo Olympics. Due to prolonged delays by the Kerala state government in processing sports quota jobs, he accepted an Assistant Manager position at the Reserve Bank of India (RBI) in February 2023.

*(c) In 2023, former national players like **Rino Anto** faced delays and disputes over sports quota applications in Kerala Police, with officials claiming late submissions or that they did not meet rigid qualification criteria. The Kerala cabinet cleared job allocations for prominent state footballers, Rino Anto officially entered government service as a clerk at the Kannur Sub-Registrar Office. Rino Anto earned 9 caps for the senior Indian national team, including appearance in a FIFA World Cup qualifier, yet the public administration department ruled that his profile did not fulfill the specific government norms.*

*(d) The Home Department, which denied appointment to international football player **Anas Edathodika** at the age of 31. saying that he was too old, is a serious matter. It is a serious matter that the bodybuilding star Chitharesh Natesan, who was given appointments in*

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*violation of the rules, is 41 years old and Shinu Chovva is 39 years old. The concerned department has not even been ready to reply to Olympian M. Sreeshankar, who was recommended for appointment along with Anas, even after four years. The True copy of the Letter written by Addl Chief Secretary(Home) to Anas Edathodika dated 27-2-2020 along with Legible copy is produced here with and marked as **Exhibit-P19**.*

It can be seen that the same Addl. Chief Secretary(Home) who had given appointments to illegal entrants at the age of 40 had denied entry to an International athlete who represented India is a former professional footballer who proudly represented the Indian national team in 21 international matches. The Discrimination and favouritism shown by the Top Brass is thus proved.

*10. It can be seen that **I.M. Vijayan**, the legendary Indian footballer joined the Kerala Police as a **constable** in 1987. He led the formidable Kerala Police Football Team during its golden era, helping the team secure historic victories like the Federation Cup in 1990 and 1991. **V.P. Sathyan, Sharaf Ali, and K.T. Chacko** also joined in the similar post on the lower*



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*strata. Similarly **C.K. Vineeth** former international Footballer was appointed as an **Assistant** in the General Administration Department of the Kerala Government Secretariat. The discrimination is evident and authorities were initially planning to give the Shinu Chowa and Chithiresh Natesan with the post of Dy.S.P as is evident from Ext.P1 Govt. order.*

11. The Indian Body Builders Federation (IBBF) is not actively accredited or recognized by the Ministry of Youth Affairs and Sports, Government of India. Body Building competitions are not included in National Games, Asian Games and Olympics because of widespread drug use including anabolic steroids and stimulants-is a major obstacle to bodybuilding's inclusion in the Olympics and multi-sport events. However, performance- enhancing substances are not the only reason the sport is excluded:

*(i)**Subjective Judging:** Unlike sports where a winner is decided by an objective measure like time, distance, or weight, bodybuilding relies on subjective visual assessments of muscle size, symmetry, and definition.*

*(ii) **Athleticism vs. Aesthetics:** The IOC generally requires competitions to test functional athletic*



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capabilities during the event. Bodybuilding is fundamentally evaluated on physical appearance and posing rather than a display of active athleticism.

*(iii) **Historical Context:** While bodybuilding was featured at the Asian Games from 2002 to 2006, it was subsequently dropped due to widespread doping infractions and severe judging controversies.*

12. The National Centre for Biotechnology Information had conducted a detailed study of the art of body Building and came to the following conclusions.

(i) Bodybuilders take in a lot of steroids

(ii) Bodybuilding is not a sport

(iii) Bodybuilding is subjective to judgment

13. The Ext.P1 & P2 G.O cannot overlook Ext.P17 Rules and Administrative instructions, policy memos, or Government Orders stand lower in the legal hierarchy than statutory rules or rules framed under Public employment and personnel intake are governed by specific eligibility criteria, procedures, and rules. Bypassing these through a mere G.O. without a formal amendment to the underlying rules violates administrative jurisprudence and legislative backing. An executive order cannot amend, modify, or nullify a



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statutory rule.

14. The manner in which the illegal intake of persons who are not qualified to be appointed as Inspectors, the intervention of this Court is required and Vigilance enquiry may be ordered after perusing the Sealed Cover documents. All the facts stated above are true to the best of my knowledge, information and belief.”

8. While opposing the contention raised by the petitioner, the learned Director General of Prosecution (DGP), Sri.Asaf Ali, drew the attention of this Court to the allegations raised in Ext.P8 and submitted that the allegations could not make out any offence under the PC (Amendment) Act, 2018 and, therefore, merely because the appointment if found to be illegal, (he submitted that no challenge raised regarding the appointment so far), it could not be found that any offence had been committed.

9. In this connection, the learned DGP has given emphasis to the statement filed by the learned Additional Chief Secretary to Government, which is relevant, and the same is extracted as under:



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“1. Shri Chitharesh Natesan, Mr. Universe title winner at the 11th International Bodybuilding and Physique Sports Championship held in South Korea in November 2019, and Shri Shinu Chovva, the only Malayali to represent India in the World Men's Physique Championships for three consecutive years and the first Indian to win a silver medal in the category, submitted representations before the Government seeking appointment to suitable posts in accordance with their educational qualifications.

2. The Director of Sports and Youth Affairs also furnished a proposal recommending that they be considered for Government employment, in view of their achievements at the international level and their family circumstances.

3. The matter is examined in the light of the detailed guidelines issued as per GO (Ms) No.71/2018/GAD dated 23.03.2018, and, considering the exceptional achievements of the two persons, accorded approval for their appointment to Class I posts in Government service, in accordance with their educational qualifications, as per GO (Ms) No.02/2021/SYA dated 16.02.2021. The said Government Order was issued pursuant to the decision of



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the Council of Ministers dated 15.02.2021.

4. Subsequently, the Government examined the feasibility of appointing them to Class I/ First Gazetted posts in the Police Department or other departments, by creating supernumerary posts. Departments such as Police, Forests, and Excise, as well as advisory departments like the Finance Department, were consulted in this regard. Thereafter, the Council of Ministers, in its meeting held on 28.01.2025, decided to appoint Shri Chitharesh Natesan and Shri Shinu Chovva as Armed Police Inspectors in the Armed Police Battalion, by creating two supernumerary posts, with the stipulation that their appointments would be regularized against the next two arising regular vacancies of Armed Police Inspectors in the Battalion. As per the Cabinet Decision GO (Ms) No.17/2025/Home dated 02.06.2025, orders were issued in the above terms. The aforesaid Government Order also stipulates that the State Police Chief shall take necessary follow-up action for its implementation.

5. SPC vide letter dated 06/03/2025 reported that, ADGP, APB was requested to conduct Verification of Educational and Physical Qualifications, National Physical Efficiency One Star Standard Test for Police



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Force, Medical Examination and Police Verification of above candidates as per existing rules. As such a Board was constituted under the Chairmanship of DIG, APB to conduct verification of the candidates' educational and physical qualifications, the National Physical Efficiency One Star Standard Test, medical examination, and police verification. The physical measurement and physical efficiency tests were conducted on 24.02.2025 at the SAP Ground. Shri Chitharesh Natesan did not attend the National Physical Efficiency One Star Standard Test. Shri Shinu Chovva attended the test but qualified in only four events-Shot Put, Throwing the Cricket Ball, Rope Climbing, and Chin-ups out of eight categories, and was therefore found not qualified in the National Physical Efficiency One Star Standard Test. The ADGP, APB along with the individual Score Sheet and consolidated Score Sheet forwarded to SPC for further necessary action.

6. Meanwhile, Shri Shinu Chovva submitted representations requesting exemption from the Physical Efficiency Test, citing earlier cases of Shri Sajan Prakash and Smt. Elizabeth Susan Koshy, who were appointed as Armed Police Inspectors in recognition of their performance at the 35th National Games (2016), the



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Physical Efficiency Test had not been conducted. Instead, only a medical examination was carried out at the time of their admission to training. As there is no specific rule providing for direct recruitment of Armed Police Inspectors from among sports personnel, the method of appointment is to be determined by the Government, being the appointing authority.

7. Subsequently, SPC issued appointment orders to the above two personnel on 10.03.2026, followed by training orders on 11.06.2026. However, their basic training was deferred until further orders, vide PHQ letter dated 17.06.2026.

8. Meanwhile, there was a change in Government. While examining various representations submitted in the matter, and pursuant to the orders of the Hon'ble Minister for Home on the representation dated 15.06.2026 submitted by Shri Aneesh G., APSI, KAP 5th Battalion, challenging the direct appointment of Armed Police Inspectors in the Armed Police Battalion under the Sports Quota, the Government took note of the several petitions and pending court proceedings concerning the matter. Accordingly, vide Letter No. A1/191/2026-Home dated 08.07.2026, the Government directed the State Police



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Chief (SPC) to stop the training of Shri Chitharesh Nadesan and Shri Shinu Chovva.

9. In brief, Government issued orders vide G.O. (Ms) No. 17/2025/Home dated 02.06.2025 appointing Shri Chitharesh Natesan and Shri Shinu Chovva as Armed Police Inspectors in the Armed Police Battalion, by creating two supernumerary posts, with the stipulation that their appointments would be regularized against the next two arising regular vacancies of Armed Police Inspectors in the Battalion. Although there are no specific rules providing for the direct appointment of Armed Police Inspectors (APIs) from among sportspersons, the ADGP, APB, was requested to conduct verification of the educational and physical qualifications of the above candidates, the National Physical Efficiency One Star Standard Test prescribed for the Police Force, medical examination, and police verification. Shri Shinu Chovva appeared for the physical efficiency test; however, he qualified in only four out of the eight events. He was therefore found not qualified in the National Physical Efficiency One Star Standard Test. However, upon the ADGP being apprised of the fact that, on earlier occasions, two persons had been appointed as Armed Police



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Inspectors without conducting a physical efficiency test, appointment orders were issued to Shri Shinu Chovva and Shri Chitharesh Nadesan in implementation of the Cabinet decision, and they were subsequently directed to report for training. Meanwhile, there was a change in Government. In view of the several court proceedings and complaints concerning the matter, directions were issued to stop the training of the above persons. The Government is presently re-examining the cabinet decision to appoint them.”

10. It is also submitted by the learned DGP that in the decision in **Surendranath C. v. State of Kerala** reported in **[2024 (2) KHC 134]**, this Court held that mere violation of the Rules and departmental norms would amount to an offence punishable under Section 13(1)(d) of the PC (Amendment) Act, 2018, as dishonest intention is *sine qua non* to attract the offence under Section 13(1)(d) of the PC (Amendment) Act, 2018. It was also held that mere conduct and action of the public servantx contrary to Rules and departmental norms would not amount to criminal misconduct



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by a public servant. It is pointed out by the learned DGP further that, in the said case, this Court relied on the decision in **C.K.Jaffer Sharief v. State** reported in [2012 KHC 4655], wherein, it was held as under:

“Allowing the petition, the Court held:

Dishonest intention is sine qua non to attract the offence punishable under S.13(1)(d) of the Act. Mere conduct and action of the accused contrary to rules and departmental norms would not amount to criminal misconduct by a public servant. In C.K.Jaffer Sharief v. State [2012 KHC 4655], the Apex Court held thus: 'If in the process, the rules or norms applicable were violated or the decision taken shows an extravagant display of redundancy it is the conduct and action of the appellant which may have been improper or contrary to departmental norms. But to say that the same was actuated by a dishonest intention to obtain an undue pecuniary advantage will not be correct. That dishonest intention is the gist of the offence under S.13(1)(d) is implicit in the words used i.e. corrupt or illegal means and abuse of position as a public servant.”



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11. As of now, as per G.O.(Rt).No.170/2026/VIG dated 08.08.2026, the prior approval under Section 17A of the PC Act was denied by the competent authority. However, no relief sought for to set aside the same by amending this writ petition. In such view of the matter, this writ petition stands disposed of, with direction to the petitioner or anybody otherwise aggrieved by the above Government Order to challenge its legality, in accordance with law.

Sd/-
A. BADHARUDEEN
JUDGE

Bb

2026:KER:80244APPENDIX OF WP (CRL.) NO. 968 OF 2026

PETITIONER'S EXHIBITS

Exhibit P1	THE TRUE COPY OF THE G.O (MS) NO. 17/2025/HOME DATED 29-01-2025
Exhibit P2	THE TRUE COPY OF THE G.O (RT) NO. 1787/2025/HOME, DATED 02.06.2025
Exhibit P3	THE TRUE COPY OF THE G.O(RT) 782/2025/HOME DATED 11.03.2025
Exhibit P4	THE TRUE COPY OF THE G.O (RT) .NO.2401/2024/HOME DATED 15.08.2024
Exhibit P5	THE TRUE COPY OF THE G.O(MS) NO.2/2021 / SYA, THIRUVANTHAPURAM DATED 16-2-2021
Exhibit P6	THE TRUE COPY OF THE G.O(MS) NO.71/2018 OF GENERAL ADMINISTRATION DEPARTMENT DATED 23-3-2018
Exhibit P7	THE TRUE COPY OF THE ORDER IN FILE NO.CDN4/57/2016-GAD AND G.O(RT) NO.5315/2016 GAD DATED NIL
Exhibit P8	TRUE COPY OF THE PETITION DATED 21-4-2026
Exhibit P9	THE TRUE COPY OF THE PETITION GIVEN TO HOME MINISTER, SHRI. RAMESH CHENNITHALA DATED 21-5-2026
Exhibit P10	TRUE COPY OF THE LETTER ISSUED BY ADDL. CHIEF SECRETARY (HOME) DEPARTMENT DATED 6-7-2026
Exhibit P11	THE TRUE COPY OF THE G.O (RT) NO. 3876/2026/GAD DATED 31-07-2026
Exhibit P12	TRUE COPY OF THE LETTER GIVEN TO THE CHIEF MINISTER OF KERALA DATED 28-7-2026
Exhibit P12 (a)	TRUE COPY OF THE LETTER GIVEN TO THE HOME MINISTER OF KERALA DATED 28-7-2026
Exhibit P12 (b)	TRUE COPY OF THE LETTER GIVEN TO THE CHIEF

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SECRETARY OF KERALA DATED 28-7-2026

Exhibit P12(c) TRUE COPY OF THE LETTER GIVEN TO THE PRINCIPAL HOME SECRETARY DATED 28-7-2026

Exhibit P12(d) TRUE COPY OF THE LETTER GIVEN TO THE DIRECTOR VACB DATED 20-7-2026

Exhibit P13 THE TRUE COPY OF THE OFFICE MEMORANDUM ISSUED BY THE GOVERNMENT OF INDIA NO. NO.22011/4/91 -ESTT.(A) DATED 14-9-1992

Exhibit P14 THE TRUE COPY OF THE OFFICE MEMORANDUM NO. NO.DOPT-1667820093974 ISSUED BY THE UNION OF INDIA DATED 28-9-2022

Exhibit P15 THE TRUE COPY OF THE LETTER ISSUED BY THE DIRECTOR, VIGILANCE NO DVACB/4210/2026-T2 DATED 31-7-2026

Exhibit.P16 True copy of the press statement of Mr.K.C Venugopal, AICC General Secretary made on 13-3-2026 to the public appeared in Media one online news

Exhibit.P16(a) True copy of the press statement of Mr.K.C Venugopal, AICC General Secretary on 13-3-2026 to the public appeared in Social news XYZ online news

Exhibit P17 The true copy of the Kerala Police Subordinate Services (Armed Police Battalions) Special Rules, 1984 (G.O. (P.)No.6/84/Home dated 18-4-1984

Exhibit.P18 The true copy of the PSC Gazette Notification invited for the post of Asst. Sub Inspector (Armed Police Battalion) dated 30.12.2020 in SC/ST category

Exhibit.P19 The True copy of the Letter written by Addl Chief Secretary(Home) to Anas Edathodika dated 27-2-2020 along with Legible copy

RESPONDENTS' EXHIBITS

Exhibit-R12(A) A true copy of the RTI reply No.I3-123854/2026/PHQ dated 20.07.2026 issued by the State Public Information Officer, Kerala Police Headquarters



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Exhibit-R12(B)	A true copy of the letter No. A1-17738/2025/APB issued by the Additional Director General of Police dated 17.06.2026
Exhibit-R12(C)	A true copy of the interim order of the KAT Additional Bench in O.A. (EKM) No.779 of 2026, Ernakulam dated 02.07.2026
EXHIBIT R2(a)	True copy of the Decision of the Ministers vide item No.2656 dated 28.01.2025
Exhibit R2(b)	True copy of the G.O.(RT) No. 170/2026/VIG dated 08/08/2026
Exhibit-R12(D)	A COPY OF LETTER NO. KSSC/186/2026-C2 ISSUED BY THE KERALA STATE SOPRIS COUNCIL DATED 10.08.2026 SHOWING THAT THE BODYBUILDING ASSOCIATION IS OFFICIALLY RECOGNISED BY THE KERALA STATE SPORTS COUNCIL AND SEEKING ENTRIES FOR THE AWARD
Exhibit-R12(E)	A COPY OF THE ARJUNA AWARD 2019 CERTIFICATE PRESENTED TO SHRI S. BHASKARAN FOR HIS OUTSTANDING PERFORMANCE IN BODY BUILDING, DATED 29.08.2019
Exhibit-R12(F)	A COPY OF THE LETTER F NO.9-12/2017-SP-1 ISSUED BY THE MINISTRY OF YOUTH AFFAIRS & SPORTS, GOVERNMENT OF INDIA DATED 01.02.2019
Exhibit-R12(G)	A COPY OF THE CERTIFICATE OF MERIT FROM THE 52ND ASIAN BODY BUILDING AND PHYSIQUE SPORTS CHAMPIONSHIP 2018, DATED 08.10.2018
Exhibit-R12(H)	A COPY OF THE CERTIFICATE OF MERIT FROM THE 12TH SOUTH ASIAN BODYBUILDING & PHYSIQUE SPORTS CHAMPIONSHIP 2019, DATED 21.07.2019
Exhibit-R12(I)	A COPY OF THE CERTIFICATE OF ACHIEVEMENT FROM THE 11TH WORLD BODYBUILDING AND PHYSIQUE SPORTS CHAMPIONSHIPS 2019, DATED 09.11.2019
Exhibit-R12(J)	A COPY OF THE CERTIFICATE OF ACHIEVEMENT FROM THE 13TH WORLD BODYBUILDING AND PHYSIQUE SPORTS CHAMPIONSHIPS 2022 DATED 06.12.2022