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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE M.D.SUMATHI

CONT P(MD) NO. 3763 of 2026

Ramasubbu ... Petitioner / Third Party

Vs.

1.K.Gopal, IAS,
The Secretary to Government,
Department of Higher Education,
Secretariat, Fort St.George, Chennai.

2.R.V.Shajeevana, IAS,
Director of Public Libraries,
Public Libraries Directorate,
737/1, Anna Salai,
Chennai-600 002. ... Contemnors / Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to initiate contempt proceedings against the respondents 1 & 2 under Sections 11 of the Contempt of Courts Act, 1971, for their willful, deliberate and contumacious disobedience of the directions issued in the Judgment dated 19.06.2024 in W.P.(MD)No.10150 of 2019 and punish the contemnors / respondents in their personal and official capacities with maximum imprisonment and fine, under Section 11 of the Contempt of Courts Act, 1971.

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For Petitioner : Mr.K.P.S.Palanivel Rajan, Senior Counsel
for Mr.P.M.Vishnu Varthanan

For Respondents : Mr.B.Saravanan
Additional Advocate General
assisted by Mr.M.Kannan
Special Government Pleader

Mr.John Sathyan, State Public Prosecutor

ORDER

(By G.R.Swaminathan, J.)

Vide order dated 10.11.2026, we had called upon the Director of Public Libraries to furnish the names and details of those officials responsible for having made fraudulent procurements of so-called books during the last two years. We had also issued a few more directions. One of which was that DVAC should forthwith register an FIR.

2. Sri R.John Sathyan, the learned State Public Prosecutor submitted that the Director of Vigilance and Anti-Corruption received a communication dated 06.11.2026 from the School Education Department to conduct detailed enquiry against unknown public servants in respect of the allegation about the books recommended and purchased by 137 members of the Books Recommendation Committee constituted to purchase the books for all the Libraries including Periyar Arivulagam, Coimbatore. On 07.11.2026, the Directorate commenced their detailed enquiry. On 09.11.2026, the

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documents were collected. On 10.11.2026, some of the key witnesses such as Prof.Perumal Murugan and Prof.Parvin Sultana were also examined. The learned State Public Prosecutor submits that before the next hearing, a structured FIR will be registered and placed before this Court. He also added that pursuant to the direction given by this Court, three bank accounts have been frozen. The bank accounts reportedly contain a sum of Rs.22.00 lakhs.

3. One fact stands admitted. Bound stationery passing for books have been purchased for various public libraries and there has been a pay-out to the tune of several millions of rupees from the public exchequer. Even a person endowed with ordinary I.Q will agree that without the involvement of the officials working in the Directorate of Public Libraries, this scandal could not have been perpetrated.

4. There is no doubt in our minds that the offending acts constitute a direct and wilful breach of the directions given by the Division Bench in WP(MD)No.10150 of 2019. We have adjourned the matter only to know the identity of the persons who had committed the breach. It is for this purpose, we have sought the assistance of the second respondent herein.

5. The job of a court exercising contempt jurisdiction is not just to punish the contemnor. In fact, the court has a duty to issue appropriate directions to remedy or rectify the things done in violation of the court order and in that

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regard, the court may even take restitutive measures at any stage of the proceedings (vide ***Amit Kumar Das v. Shrimati Hutheesingh Tagore Charitable Trust (2024) 11 SCC 679***). Removing the suspect books from the public libraries and recovering the monies paid in furtherance of such fraudulent procurements alone would efface the consequences of breach. The clock must be put back. That is why, an order of freezing the bank account of 'Agal Vilakku' and its Proprietor was made. The Director of Public Libraries informed the court that a sum of Rs.17.00 lakhs was paid to Agal Vilakku for purchasing 1700 titles from them. Periyar Arivulagam is not the only situs for such suspect books. Tenkasi District Library has been another destination. Obviously, Mohan, the Proprietor of Agal Vilakku must have been richer by quite a few millions. What is now available is Rs.22.00 lakhs in his bank account. Unless a freeze order has been issued, even this amount would have vanished. There is no point in locking the stable after the horses have bolted. If we are satisfied that the freezing order deserves to be vacated, we would unhesitatingly do so at the earliest opportunity. But then, a case for vacating has to be made out. We gladly invite any supplier of such suspect books to come before us.

6. Some may wonder if our direction to register FIR runs contrary to Section 17A of the Prevention of Corruption Act, 1988. The said provision reads as follows :

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"17A. Enquiry or Inquiry or investigation of offences relatable to recommendations made or decision taken by public servant in discharge of official functions or duties.—

No police officer shall conduct any enquiry or inquiry or investigation into any offence alleged to have been committed by a public servant under this Act, where the alleged offence is relatable to any recommendation made or decision taken by such public servant in discharge of his official functions or duties, without the previous approval—

(a) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of the Union, of that Government;

(b) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of a State, of that Government;

(c) in the case of any other person, of the authority competent to remove him from his office, at the time when the offence was alleged to have been committed: Provided that no such approval shall be necessary for cases involving arrest of a person on the spot on the charge of accepting or attempting to accept any undue advantage for himself or for any other person:

Provided further that the concerned authority shall convey its decision under this section within a period of three months, which

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may, for reasons to be recorded in writing by such authority, be extended by a further period of one month.]

7. The Hon'ble Kerala High Court in ***Shankara Bhat v. State of Kerala (2021 SCC OnLine Ker 3427)*** had held as follows :

> "**25.** The legal principles involved has been correctly appreciated by the Delhi High Court. It was reiterated that the scope of section 17A was that an approval under section 17A for conducting any enquiry, inquiry or investigation was warranted only when the act done by the accused, which he was charged of, was relatable to a decision taken or recommendation made. If the offence was not relatable to any such decision or recommendation, prior approval under section 17A was not required. Hence, any commission of offence or allegation of acts of public servant which is ex facie criminal or constitute an offence or even demanding illegal consideration or receiving of it either to routinely move the file or to keep the file pending, without any decision being taken therein, will not fall within the scope of section 17A. Hence prior approval under section 17A is not warranted in such cases.
>
> **26.** The reasonable conclusion that can be arrived at regarding the scope of section 17A is that prior approval under section 17A for conducting any enquiry, inquiry or investigation is required only when the offence alleged is relatable to a decision taken or recommendation made by the public authority and it involves a debatable or suspicious or doubtful recommendation made or decision taken by the authority. Acts, which are ex facie criminal

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or constitute an offence do not require approval under section 17A of P.C. Act. This legal proposition, seems to be clear from the statute and is in consonance with the spirit of the Prevention of Corruption Act and also in consonance with the legal principles laid down in relation to section 197 Cr.P.C.

27. Applying the above legal principles, I am of the firm opinion that in the cases at hand, which involve allegation of falsification of accounts, breach of trust and misappropriation of funds or acts which are exfacie criminal, no prior approval under section 17A of Prevention of Corruption Act is required...”

The Hon’ble Supreme Court declined to interfere in the aforesaid decision. The order dated 10.12.2021 in SLP (Crl) No.9341 of 2021 reads as follows :

“Learned counsel for the petitioner states that Section 13(1) of the Prevention of Corruption Act, 1988 was substituted vide Act 16 of 2018 with effect from 26.7.2018 and that Clause (d) to Section 13(1) was not in the statute when the FIR in the instant case was registered.

The impugned order has primarily examined the purport and the legal effect of Section 17A of the Prevention of Corruption Act, 1988. Keeping in view the factual background of this case, we are not inclined to interfere with the impugned order, but leave it open to the petitioner to raise the aforesaid contentions and issues before the Investigating Officer/Court.

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Recording the aforesaid, the special leave petition is dismissed."

The last word has now been uttered. The Hon'ble Supreme Court in ***Tejaram v. State of Rajasthan (2026 SCC OnLine SC 2193 dated 16.10.2026***) approved the Kerala decision and held as follows :

> **"6.**An unequivocal position of law emanates from the above decisions about the scope and extent of applicability of Section 17A of the PC Act which contemplates taking a prior approval before investigation or inquiry against a public servant. The language of the provision itself outlines and circumscribes the ambit of operation of the provision. The decisive phrase in the section is "discharge his official functions or duties". Though the legislature has intended to protect the public servant from being prosecuted by engrafting Section 17A in the statute book, the protection envisaged could be extended only if the conditions contemplated in the Section are satisfied. The Section cannot be viewed to have an omnibus application.
>
> **6.1.** In order that the provisions of Section 17A of the PC Act applies, there has to be a "decision" or "recommendation" by a public servant against whom an enquiry or investigation is to be initiated. Such "decision" or "recommendation" shall be a "decision" taken or "recommendation" made by such public servant in discharge of his official functions or duties. In other words, the alleged offence against the public servant must be relatable to any

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recommendation made or decision taken by such public servant in discharge of his official duties. These primary and essential aspects are absent in the present case to attract Section 17A of the PC Act. The allegation is of demanding illegal gratification by the appellant, which is a pure criminal act unconnected to discharge of the official functions or duties.

6.2. Thus, from the plain language of the provision of Section 17A, it is evident that the provision is confined to be applied in the situations where there is a recommendation or a decision taken by a public servant in discharge of his official duties. The allegation against the appellant in the present case is that of a criminal act, namely that the appellant demanded illegal gratification of Rs. 1.5 lakh. The conduct on the part of the appellant, by no stretch of imagination, can be treated as part of the discharge of his official functions. It was not in any way relatable to recommendation or a decision taken by the appellant in discharge of his official duties but was an act unrelated to his official duty.

6.3. In the aforesaid view, Section 17A of the PC Act is not applicable in the case of appellant herein. None of the ingredients provided for in the Section is satisfied to attract its operation. The act of demanding a bribe is a pure criminal act, not connected with official functions and not relatable to or having any linkage with recommendation or decision of the appellant in his capacity, as public servant. In the facts and circumstances of the case, therefore, the act of the appellant does not fall within the protective umbrella of

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Section 17A of the Act. It could not be said that the proceedings were vitiated for want of sanction."

8. In view of the foregoing precedents, we have no doubt whatsoever in our minds that no prior sanction is required under Section 17A of the PC Act either for holding enquiry or for conducting investigation in the case on hand.

9. In Lalita Kumari case, though it was directed that FIR has to be registered when the information makes out cognizable offences, for certain categories of cases, it was observed that enquiry may be held in the first instance. One such category pertains to corruption cases. But the purpose of holding enquiry is only to find out if crime has been committed. The identification of offender can be during investigation. Since in this case, it has been conceded that crime has been committed, we felt that FIR should be registered forthwith. Since the learned State P.P has undertaken that DVAC would register an FIR in a few days, we grant them time.

10. The State Government Pleader has filed a typed set of papers. G.O (Ms) No.250, School Education Department, dated 05.11.2025 constituted four committees, namely, 1) Book Recommendation Committee, 2) Book Selection Committee, 3) Book Procurement Negotiation Committee and 4) High Level Committee. The Director of Public Libraries gave us an impression that even the suspect books were recommended and approved by the aforesaid Committees.

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11. Since we noticed that Thiru Badrinarayanan Seshadri of 'Kizhakku Pathippagam' had logged in, we invited him to make his submissions. We acknowledge that we were immensely benefitted by his pertinent intervention. Remarking on the Director's statement that Rs.17.00 lakhs alone was paid to 'Agal Vilakku', he commented that it was obscenely high for a single publisher. He underlined the point by making a comparison. 'Kizhakku Pathippagam' which has published hundreds of books was handed an order for Rs.23,000/-. Agal Vilakku, which is a shady entity, on the other hand was paid Rs.17.00 lakhs. Agal Vilakku is said to have offered 2335 titles and out of them, 1700 were selected. When not even one book of Agal Vilakku is seen in the market, we fail to understand as to how no one's suspicion was aroused at the generosity meted out to Agal Vilakku. Badrinarayanan is sure that the Recommendation Committee which comprised reputed individuals would not have been taken into confidence. According to him, Agal Vilakku must have been clandestinely inserted because the entire process took place at the digital level. Badri, who is an alumni of I.I.T and I.I.M, is ready to offer his services to unearth the cyber fraud. It is for the investigating authorities to grab this offer which comes gratis.

12. Though we have to confine our gaze to what happened after we issued a set of directions in Krishnan case, it would be in order if the department publishes a consolidated and comprehensive list of books procured for public libraries over the last two decades. The publications have

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also to be catalogued. The number of books purchased and the amounts paid to the respective suppliers must also be furnished. Badri would go one step further. According to him, those suppliers who were willing to bribe the officials concerned had their bills settled without delay. Therefore, the statement to be made by the Director of Public Libraries must contain the date of submission of bills and the date when they were settled. Of course, we are not giving any direction at this stage. But this is the only way to establish transparency and come clean. If the details demanded above are withheld, the people of Tamil Nadu will draw their own adverse inferences.

13. A lighter remark may not be out of place. The Hon'ble Prime Minister of India has been engaging the Nation through his 'Mann Ki Baat'. The talks diverse topics. Thomas Gray's "Elegy Written in a Country Churchyard" has the following stansa :

"Full many a gem of purest ray serene,
The dark unfathom'd caves of ocean bear:
Full many a flow'r is born to blush unseen,
And waste its sweetness on the desert air."

Thanks to the Hon'ble Prime Minister, we have come to know the great deeds done by several persons in the remote corners of the nation which would have otherwise gone unnoticed. One member of the Expert Committee on coming

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to know that we are seized of the matter reached out to us and informed us that the Hon'ble Prime Minister's Mann Ki Baat which was translated in Tamil as "Manathin Kural" was recommended but rejected and did not make it to the book shelves of the public libraries of Tamil Nadu. We wanted to confirm the veracity of this information. When we confronted the Director of Public Libraries, there was only silence.

14. Agal Vilakku means earthen lamp. It signifies light. The unanimous public opinion is that it should have been condemned to eternal darkness. We want the department as well as DVAC to rise to the occasion. Not one official associated with this scam should go scot-free. All of them must be brought to book (pun intended). That does not mean that we have pre-judged anything. No individual has been condemned by us. Without giving the fullest opportunity, we will not conclude that any particular individual is guilty of wilful breach of the judicial order made in WP(MD)No.10150 of 2019.

15. We place on record the undertaking given by the Director of Public Libraries as well as the Director of V&AC that all the relevant details will be placed before this Court on the next hearing date. We mandate the production of all the relevant records with regard to the subject procurement. The affidavit to be filed by the Director of Public Libraries must contain details regarding the number of suspect books despatched to various public libraries in Tamil Nadu. There cannot be difficulty in placing this information because

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all the public libraries have already prepared a list of such books and also removed them. The total amounts paid to each of such suspect publications will also be made available. We take note of the fact that there are quite a few well known publications. We will cite some of them ie., Vijaya Pathippagam, Sandhiya Pathippagam, Kaalachuvadu, Uyirmai Pathippagam, Vishnupuram, New Century Book House, Desanthiri, Manimegala Prasuram etc., etc., The number of books and titles procured from such publications shall also be indicated. We expect the Director of Public Libraries to adopt a proactive approach on the next hearing date.

16. Call this case on 16.11.2026 at 2.15 pm for reporting compliance and for taking further action in the matter.

(G.R.S. J.,) & (M.D.S. J.,)
11.11.2026

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To

1.K.Gopal, IAS, The Secretary to Government,
Department of Higher Education, Secretariat, Fort St.George, Chennai.

2.R.V.Shajeevana, IAS, Director of Public Libraries,
Public Libraries Directorate, 737/1, Anna Salai, Chennai-600 002.

Copy To:

The Directorate of Vigilance and Anti-Corruption,
Chennai.

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G.R.SWAMINATHAN, J.
and
M.D.SUMATHI, J.

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