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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 16TH DAY OF JUNE 2025 / 26TH JYAISHTA, 1947

WP(C) NO. 20495 OF 2025

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.
SRI.V.PREMCHAND
SMT.HALIYA T.P.
SHRI.MAHADEV M.J.

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 THE DISTRICT PROJECT MANGER
AKSHAYA DISTRICT OFFICE, ANDAMUKKAM,
KOLLAM DISTRICT,, PIN - 691001.

BY ADV.SMT.K. AMMINIKUTTY, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 16.06.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



J U D G M E N T

Dated this the 16th day of June, 2025

The petitioner is a registered Association of Akshaya Entrepreneurs in the State of Kerala. The Association has been in the forefront for protecting the rights and duties of the Akshaya Entrepreneurs in the State, contends the petitioner.

2. As evident from Exts.P1 to P5, the State Government has reiterated time and again that all Government-to-citizen services shall only be routed through Akshaya Centres. Information and Technology Department has issued various orders and directions to Departments of the State of Kerala that online services of the Government offered to the citizens with respect to various Departments can only be carried out through Akshaya Centres.



3. The order of the Government categorically revealed that the Director, Akshaya, as per Ext.P6, has reported that online services of various Departments / Agencies are bound to implement the same only through Akshaya which is the authorised Common Service Centre of the State of Kerala. Every Akshaya entrepreneur has to execute an agreement with the Government. It was in the year 2013 that for the first time, the agreement was introduced in the State. In fact, the last agreement was executed in the year 2022.

4. The petitioner-Association has been repeatedly pointing out to the respondents regarding the unilateral terms and conditions imposed in the agreement. They are compelled by the authorities to execute unilateral agreement. There had not been any discussion with the Akshaya entrepreneurs at any point of time. The petitioner has



been requesting the authorities to enhance the rate of service charges for the services rendered by Akshaya.

5. Setting forth all the aspects in detail, the petitioner through its Secretary, submitted a detail representation pointing out the difficulties faced by the Akshaya entrepreneurs in the State. It was also pointed out that the agreement terms have to be amended as the same is unilateral. Ext.P8 was also submitted before the 2nd respondent, contends the Counsel for the petitioner.

6. Government Pleader entered appearance and resisted the writ petition. The Senior Government Pleader contended that it is the prerogative of the Government to put the terms and conditions for conducting Akshaya units. The petitioner cannot dictate terms, to the Government. Government will be taking decisions taking into account the larger public interest.



7. I have heard the learned Counsel for the petitioner and the learned Senior Government Pleader representing the respondents.

8. The concern raised by the petitioner is with regard to Clauses in Ext.P9. The authorities, by Ext.P9, are compelling the Akshaya entrepreneurs to execute fresh agreement, the terms of which are yet not known to the petitioner. There is a direction to that effect in Ext.P9.

9. After hearing the petitioner and the respondents, I am of the view that the 2nd respondent can consider the grievance raised by the petitioner before finalising the revised agreement, which is proposed in Ext.P9.

The writ petition is accordingly disposed of directing the 2nd respondent to consider the representation dated 14.05.2025 addressed to him and take appropriate decision before finalising the revised agreement, as expeditiously as

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possible. It is made clear that the members of the petitioner shall execute the current agreement and this judgment will not be an excuse not to execute the current agreement.

Sd/-
N. NAGARESH
JUDGE

ams



APPENDIX OF WP(C) 20495/2025

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE GO(MS).NO.25/2009
ITD, DATED 6/10/2009 ISSUED BY THE
INFORMATION TECHNOLOGY DEPARTMENT
- Exhibit P2 A TRUE COPY OF THE ORDER IN
GO(RT).NO.194/2021 ITD DATED 16/12/2021
ISSUED BY THE IT DEPARTMENT, GOVERNMENT
OF KERALA
- Exhibit P3 A TRUE COPY OF THE ORDER
G.O(MS).NO.26/2019 IN DATED 7/11/2019
ISSUED BY THE IT DEPARTMENT, GOVERNMENT
OF KERALA
- Exhibit P4 A TRUE COPY OF THE LETTER NO.AKS
251/2021 PA (ASPO)/454 DATED
23/09/2021 ISSUED BY THE DIRECTOR
AKSHAYA
- Exhibit P5 A TRUE COPY OF THE JUDGMENT DATED
08/03/2016 IN W.P.C 4618/ 2016 OF
HON'BLE HIGH COURT OF KERALA AT
ERNAKULAM
- Exhibit P6 A TRUE COPY OF THE AGREEMENT PROFORMA
- Exhibit P7 A TRUE COPY OF THE PRESENT RATE OF
SERVICE CHARGES
- Exhibit P8 A TRUE COPY OF THE REPRESENTATION DATED
14.05.2025 SUBMITTED BY THE PETITIONER
BEFORE THE 3RD RESPONDENT
- Exhibit P9 A TRUE COPY OF THE COMMUNICATION
RECEIVED THROUGH EMAIL