

FOURTEENTH KERALA LEGISLATIVE ASSEMBLY

**COMMITTEE
ON
PUBLIC ACCOUNTS
(2019-2021)**

SIXTY THIRD REPORT

(Presented on 14th November, 2019)



**SECRETARIAT OF THE KERALA LEGISLATURE
THIRUVANANTHAPURAM
2019**



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SIXTY THIRD REPORT

On

**Action Taken by Government on the Recommendations contained in the
62nd Report of the Committee on Public Accounts (2006-2008)**



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COMMITTEE ON PUBLIC ACCOUNTS (2019-2021)

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Shri Venugopal R. , Deputy Secretary.

Smt. Chitra K. I., Under Secretary.



INTRODUCTION

I, the Chairman, Committee on Public Accounts, having been authorised by the Committee to present this Report, on their behalf present the Sixty Third (63rd) Report on Action Taken by Government on the Recommendations contained in the 62nd Report of the Committee on Public Accounts. (2006-2008)

The Committee considered and finalised this Report at the meeting held on 12th November 2019.

V. D. SATHEESAN,

Chairman,

Committee on Public Accounts.

Thiruvananthapuram,
12th November, 2019.



REPORT

This report deals with the action taken by Government on the recommendations contained in the 62nd Report of the Committee on Public Accounts (2006-2008).

The 62nd Report of the Committee on Public Accounts (2006-2008) was presented to the House on 15th July 2008. The Report contained twenty three recommendations related to General Education Department. Government was addressed on 24th July 2008 to furnish the Statements of Action Taken on the recommendations contained in the Report and final reply from the Government was received on 13-9-2018.

The Committee considered the action taken statements in its meetings held on 11-11-2010, 8-12-2010, 1-8-2012, 27-8-2013, 19-9-2018 and decided not to pursue further action on the recommendations in the light of the replies furnished by Government. Such recommendations and Government replies are incorporated in this Report.

General Education Department

Recommendation

(Sl. No. 1, Para No. 8)

Improvement of science education in schools is a fully Centrally Sponsored Scheme with all the funds provided by the Centre. The duty of the State is only to implement the scheme in a phased manner in all the Government aided upper primary, secondary and higher secondary schools. Even though implementation of the scheme was started in 1988-89 with 100% Central assistance, it reached nowhere even after the lapse of 5 to 7 years. The department is also complaining of poor budgetary provision for projects. The Committee may be informed of the total fund received under this programme by the State Government, the amount so far utilised, the total time allowed for the completion of the scheme, the reason for the non implementation of the scheme and the present status of the programme.

(Sl. No. 2, Para No. 9)

The Committee observes that the State allocation of Budget provision for the implementation of the Centrally Sponsored Scheme - Improvement of Science Education - in schools in the State were not in consonance with central assistance

received from GOI. While State Budget provision showed a high allocation, the corresponding central assistance for the programme showed a marginal figure which resulted in less expenditure. The Committee finds that this mismatch happened due to the fact that State Budget provisions are made on a lumpsum basis without ascertaining the possibility of central assistance from GOI for the scheme. Hence, the Committee recommends that the approach towards the centralised scheme should be changed so as to enable the State Department to get the maximum assistance of GOI. The Committee also notices that the Department diverted a fund of ₹ 6.99 lakh earmarked for imparting training and ₹ 2 lakh for setting up of DRESCE, for the purchase of material. The Committee notes that this is against the rules envisaged in the scheme. Hence, the Committee strongly recommends to furnish all the details regarding purchase of materials including the reason for the diversion of funds, without delay.

Action Taken on Para No. 8 & 9

Improvement of Science Education in schools is a 100% CSS launched by Government of India on 1987-88. Total fund received for the scheme from GOI is shown below:

1988-89	-	₹ 200.92 lakhs
1989-90	-	₹ 199.43 lakhs
1990-91	-	₹ 152.72 lakhs
Total	-	₹ 553.07 lakhs

The total expenditure made on the scheme is ₹ 554.27 lakhs as shown below:

1988-89	-	₹ 200.91 lakhs
1989-90	-	₹ 199.43 lakhs
1990-91	-	₹ 153.15 lakhs
1991-92	-	₹ 0.78 lakhs
Total	-	₹ 554.27 lakhs

The scheme is implemented in 2699 UP Schools and 1418 H.S. during 1988-89 to 1993-94. The programme of improvement of Science Education is fully implemented in three phased manner and covered all schools.

The file related to this scheme is not available and hence it is not in a position to furnish the details of purchase of materials and reason for diversion of funds.

Recommendation

(Sl. No. 3, Para No. 10)

The Committee would like to know whether the proposal for Central Assistance to all the High Schools were sent by the Department within the time limit prescribed by Government of India. The total fund released under this scheme by GoI and the total fund so far utilised should also be furnished to the Committee.

Action Taken

The proposal of central assistance for implementing the scheme were sent by the department with in the time limit. Total fund released by Government of India for the scheme is ₹ 553.07 lakhs.

Recommendation

(Sl. No. 4, Para No. 11)

In the case of procurement & supply of materials and equipments, there was unreasonable delay of 15 months in handing over the list of items to be supplied by the firm, though an advance amount of ₹ 30.54 lakh was paid to the firm much earlier. The Committee strongly condemns such irresponsible attitude of the department and likes to know the reason for the inordinate delay in handing over the list. There was lapse on the part of the department in placing orders without specifying time limit for the supply. The reason for the delay in supply of material by KSCCF and SIDCO and non finalisation of purchase orders should be submitted to the Committee. Since no time limit was fixed for the completion of supply, the Committee desires to know when the supply was completed.

Action Taken

The supply of integrated Science Kit and Books were completed during 1992-93 by KSCCF and 1994 by SIDCO. The delay occurred in this regard is due to the samples submitted by the suppliers were of very low quality and hence it needed fresh tenders. There was no sufficient staff and infrastructure facilities for this purpose in the department at that time.

Recommendation

(Sl. No. 5, Para No.12)

The Central Government Scheme did not envisage payment of service charges to the suppliers of materials and equipment to schools from the scheme's fund. But the Department had given ₹ 13.26 lakhs to the purchasing agents as service charges though the same was not allowed in the scheme. Moreover, the purchasing agents had charged a penalty of ₹ 2.59 lakh and realised the same from the suppliers on account of belated supply of materials. That amount had to be deducted from the cost of the materials, but the same was not done in this case. Instead, the amount was included in the expenditure and claimed service charge also. The Committee finds that the action is irregular and hence the entire amount should have been recovered from them. But it is deplorable to note that the amount had not been recovered from them even after the lapse of 15 years. Therefore, the Committee wants to be furnished with the details why the amount was not recovered from the purchasing agents and what the present position of the case is.

Recommendation

(Sl. No. 6, Para No. 13)

The Committee would like to be informed whether the balance amount to be realised from SIDCO as well as from KSCCF had since been obtained or not.

Action Taken on Para No.12 & 13

As the file related to this scheme is not available, it is not known whether the excess amount has to be recovered from SIDCO and KSCCF.

Recommendation

(Sl. No. 7, Para No. 14)

The Committee observes many irregularities committed in the distribution of materials under the scheme. The Committee finds that these irregularities occurred mainly due to the fact that the Department placed orders for the materials to be supplied without conducting a survey for ascertaining the requirement of each school in advance. The supply of science kits to schools was neither checked nor proper registers maintained in this respect. Hence the Committee suggests that a need-based approach has to be adopted in such cases.

Action Taken

The State Institute of Education conducted a survey on February 1989 to ascertain the items of equipments to be supplied and the requirements of each schools and supply of science kit and other items. Maintaining a register for supply of science kit and similar item is essential and the suggestion of the Committee is accepted. The department will maintain the register in future.

Recommendation

(Sl. No. 8, Para No. 15)

No institutional set up is available to explore the scientific calibre of school students under the present system of education. The labs in schools are not sufficiently equipped to test even the basic principles of science. The District Resource Centre for Science Education (DRECSE) envisaged for training of science and maths teachers and also for taking up other activities for promotion of science education was a good step in this direction. But the Department could not implement the scheme in the State as envisaged. Though two centres were selected and an amount of ₹ 2 lakh was allotted for the purpose, the scheme could not be materialized. This is most unfortunate. The Committee recommends that the Department should effectively evaluate and monitor the implementation of such Centrally Sponsored Schemes so that the Central aid is fruitfully utilised.

Action Taken

The lab in schools were not sufficiently equipped during the period. But for the betterment of laboratories, Government provided enough fund in every year and achieved better result.

The implementation of DRECSE for training and also for other activities for the promotion of Science Education is essential. But the Department could not implement the scheme due to certain Technical and Administrative reasons.

Recommendation

(Sl. No. 9, Para No. 16)

Training programme can apprise the teachers of the minute details of the positions of Science and Mathematics which they can deliver to students in a more digestable way. The Committee would like to be informed of the reason for not conducting training programme for upper primary and high school teachers even though there was sufficient funds to meet all the expenses. The Committee would also like to be informed of the details of fund utilisation earmarked for the training programme for upper primary school teachers and high school teachers.

Action Taken

The details of training Programme were not available as the file related to the scheme is untraceable.

Recommendation

(Sl. No. 10, Para No. 17)

The success of every new programme depends on its proper evaluation and monitoring at each stage of its implementation. The DPI and the State Government failed to do it. There was wilful omission and sheer negligence on the part of the DPI in implementing the programme and policies of the Government. Proper monitoring and evaluation only can rectify the lacunas and defects arising during the course of its implementation. By understanding this, the defects can be cured in its future implementation. The officer in charge of planning in the office of the DPI should be asked to submit the reason for not conducting proper evaluation and monitoring.

Action Taken

The success of every new scheme depends on proper evaluation and monitoring of each stage of implementation. There is no wilful omission on the part of DPI for implementing the programme and policies of Government. The Officer in-charge of planning in this office was in charge of implementing the scheme and he retired from service for more than 15 years ago.

The scheme were already been completed and there is no similar schemes at present in this department.

Recommendation

(Sl. No. 12, Para No. 22)

The Committee is surprised to note that when the education department was trailing heavily in short of money even to meet the printing of text books of school children, the Department had purchased 100 tonnes of paper in excess under the scheme 'Total Literacy Campaign' without looking into the actual requirement. The concerned officer should be asked to explain the reason for purchasing 100 tonnes of paper in lump and what prevented him from purchasing paper according to requirement. Knowing that the paper is a perishable thing and it is difficult to store 100 tonnes of paper in lump the department is compelled to store it in a rental godown which resulted in an avoidable expenditure of Rs. 3.01 lakhs (2.52+0.49) by way of rent. The Committee is not satisfied with the explanation of the Department on the issue. Hence, the Committee may be informed of the quantity of paper used, that remaining unutilized, the total number of books printed using those paper and the number of books so far distributed. The Committee would also like to know, how the department is going to use the remaining quantity of paper and the details regarding it.

Action Taken

Kerala was declared total literate State in April 18, 1991 as a result of campaign activities of Saksharatha Samithi under the control of General Education Department. The Department purchased 100 tonnes of paper for printing and distribution of Pamphlets, Books and other Publications for campaign activities and awareness programmes under the Total Literacy Campaign.

According to General Education Department, 100 tonnes of paper was needed for printing, teaching/learning materials. The activities of the Kerala Saksharatha Samithi, came to a standstill after the declaration of Kerala as total literate State in 1991. The Kerala State Literacy Mission Authority (KSLMA) was registered and started its functioning in 1998, under the 'Thiruvithamkur Kochi Literacy Scientific & Charitable Society Registration Act', as per the instructions of National Literacy Mission.

When the Kerala State Literacy Mission Authority started its functioning all the related assets & liabilities of the Kerala Saksharatha Samithi were undertaken by it. Accordingly, all the remaining papers out of the 100 tonnes also became part of the assets of KSLMA.

Eventhough, the papers handed over by the Saksharatha Samithi were used by State Literacy Mission, the expense needed for its storage was unavoidable. The concerned expense was for storing papers in the Godown before the KSLMA started its functioning. The concerned papers were used for printing books for neo-literates. The books were distributed to all continuing Education Centres and Libraries. At that time there were no proper arrangements for keeping records regarding the literacy programmes. Hence it is not possible to produce documents related to this. But now KSLMA has made proper arrangements for keeping the records. The paper was fully utilised and the storage charges (₹3.01/- lakh) are settled.

Recommendation

(Sl. No. 13, Para No. 24)

The issue of protection of teachers in aided schools in the state appears to be a 'conundrum' facing the educational front in Kerala for the past few decades. The Committee observes that even though there is clear Government Order and the Committee's earlier recommendation that all the protected teachers are to be redeployed against the arising vacancies in the Government schools, a large number of teachers are unnecessarily retained in the State resulting in unfruitful expenditure. The Committee also notices that the number of protected teachers ranged between 1177 and 4180 in aided schools whereas the number of newly recruited teachers in Government schools were 14,728. Thus the non-

implementation of the Government Order/Committee's earlier recommendation has resulted in an avoidable expenditure of Rs.54.05 crore towards the payment of salary to newly recruited teachers. However the Committee earnestly endorses the view expressed by the Government that the redeployment of the protected teachers would adversely affect the prospects of the candidates selected by the Public Service Commission. The Committee expresses the opinion that this is a sensitive problem largely involving the fulfilment of a social responsibility on the part of the Government and hence in order to have a more clear picture of the issue, the Committee desires to be furnished with the details of court judgements on all cases relating to redeployment of protected teachers in the State.

Action Taken

The details of judgements are furnished below:

The Manager NIVHSS Marampilly, Ernakulam has filed W.P.(C) No.32603/08 against redeployment of Smt. Ensa E.J. protected HSA(Hindi). In the judgement dated 13-11-2008 the Honourable High Court of Kerala directed to suspend the redeployment of the teacher till the disposal of the appeal of the Manager NIVHSS Marampilly. It is pending before the Director of Public Instruction.

Smt. Radhamma G. Protected teacher (Sanskrit) of Karayogam UPSA redeployed in Ennakkad Govt. UP School, was transferred to Govt. UP School Paippad vide order No. 14472/08 dated 13-7-2008 of Deputy Director of Education Alappuzha. She filed a W.P.(C) No.2503/P and in the Judgement dated 9-10-2009, the Hon'ble High Court allowed her to continue in service in the Govt. UP School Ennakkad till her retirement (i.e. upto 31-3-2010).

Recommendation

(Sl. No. 14, Para No. 27)

In this case the Committee noticed that, even though the court directed to review the order of suspension of the Headmaster, the Deputy Director (DD) wilfully misinterpreted it and reinstated the Headmaster in service. The Headmaster had admitted his crime and remitted the entire amount in October 1998. Therefore the Committee wants more details of the case from the Deputy Director who had taken a decision in favour of the Headmaster by interpreting the court judgement of reviewing the suspension order but not anything specifically

said in the judgement to reinstate him in service. Action should also be taken against the Assistant Educational Officer who had failed to detect the misappropriation at the time of his inspection in the school.

Action Taken

It is reported that the then Deputy Director of Education, Wayanad was forced to reinstate Late M.N.Sreedharan Achary, former HM, Ambalavayal GLPS who committed the serious financial misappropriation in question, in the light of the judgement of Hon'ble High Court, on the ground that his suspension has been continued beyond one year and three months and also as there was no information from Vigilance Department, in time, about the Vigilance cases registered against the accused. The communication regarding the vigilance cases registered against the accused has been received from the Director of Vigilance only on 7-2-2000. The Deputy Director of Education had reinstated the accused on 3-1-2000 and there was direction from the DPI and from Government also to comply with the High Court direction dated 8-10-1999 in OP No.22697/99. It seems that the circumstantial factors led to the reinstatement of the accused on 3-1-2000.

The accused officer is no more. As per the order of the Enquiry Commissioner and Special Judge, Kozhikode dated 1-1-2008 in CC No.8 to 16/2003 (VC 6/99 of VACB Wayanad) the charges against the accused abated, as the accused reported dead. Disciplinary action has been initiated against the former Assistant Educational Officer, Sulthan Bathery (Smt. N. K. Thankamony) who had failed to detect the misappropriation at the time of her inspection in the school, by the DPI, and the same has been finalised by barring one increment without cumulative effect as per proceedings No.V4/89989/98, dated 19-8-1999 of DPI, Thiruvananthapuram.

Recommendation

(Sl.No. 15, Para No. 28)

In majority of schools there is scarcity of non-teaching staff for maintaining the establishment files, expenditure, accounts etc. The Headmasters are forced to discharge these functions without having sufficient training. Headmaster should be given sufficient training in Accounts before they assume charge. The Committee suggests to speed up the computerization in the department and to strengthen the Internal Audit Wing so as to reduce the level of corruption going on in the

department. The Committee also desires to get the details of the Head Master's latest reinstatement in service.

Action Taken

Training to newly promoted Head Masters are given through SIEMAT. Training is given to High School Headmaster's/Assistant Educational Officers/District Educational Officers for the last year. This year onwards Primary School Head Masters will be included in their programme and certainly impart training in accounting matters as part of the Programme. Drastic steps are taken to implement computerization in all the District Offices. Now there is an Internal Audit Wing in the office of the Director of Public Instruction with State-wide jurisdiction and audit wings in Offices of the Deputy Director & district wise. Steps have also been taken to strengthen the Internal Audit Wing by increasing number of staff in the audit wing. The Deputy Director of Education had reinstated the Headmaster on 3-1-2000. The accused officer is no more.

Recommendation

(Sl. No. 16, Para No. 30)

The Committee does not agree with the Government stand for not issuing the notification for admission in TTIs in the State for the period from 1995-96 to 1997-98 since all litigations and counter appeals are exclusively related to admission in the institutions run by minority community. This does not affect admission in Government run and non-minority TTIs. The reason adduced by the witness that admissions to all TTIs in the state are made from a common list prepared at the district level irrespective of the administrative nature of the institution is also not acceptable to the Committee. The Committee desires to be furnished with a detailed reply explaining the reasons for not allowing the Government and non-minority institutions in the State to carry out admission to Teachers Training Courses during 1995-96 to 1997-98.

Action Taken

The notification for admission to TTC course for the year 1994-1996 has been issued as per order No.M2/120000/93/DPI dated 3-2-1994 by the Director of

Public Instruction. As per letter No. 67362/D3/93/G.Edn. dated 31-5-1994 the implementation of above notification is stayed by Government.

Later the course was started in November 1994. As the trainees could not complete the minimum required days during the first year of study on 1994-95, Government have extended the academic year of 1st year TTC Course up to the end of April 1995 as per G.O.(Rt) No. 73/95/G.Edn. Dated 5-1-1995

Serious irregularities occurred in the admission of the students in Management school, which resulted disputes in court and in the meantime the Hon'ble High Court and Supreme Court passed orders in favour of Department (order dated 7-3-1995 in WP No. 1642/94 of High Court of Kerala and SLP (C) No. 8185/95 dated 3-5-1995 of Supreme Court of India). So the DPI has issued directions to cancel the irregular admission made by the aided minority and non minority institutions contrary to the provision contained in the notification dated 3-2-1994 vide letter No.M2/120000/93/DPI.

Aggrieved by the above direction certain students have filed petitions before the Hon'ble High Court of Kerala praying to allow them to continue their 2nd year study and the Court passed interim order as prayed for.

Later, as per G.O.(Rt) No. 1047/96/G.Edn. Dated 21-3-1996 permitted all the students selected by the Management for the TTC Courses, irrespective of the fact that whether their admission was in accordance with the notification date 3-2-1994 or just against it, to complete the course and to appear for the second year examination.

Usually the instruction for admission to TTC course in Government Aided Minority and Aided non minority institutions is issued in a single notification. The method of selection of candidates for admission to TTC course in Aided Minority and Aided Non Minority institutions was questioned by Managers in the High Court. No decision was taken for a long time by the Court and office of the Director of Public Instruction could not issue a separate notification for Government TTT's. There was no such precedent.

In this situation notification for the year 1995-96, 1996-97 and 1997-98 could not be issued. Moreover there was surplus trained candidates available in the state during the period.

As the case of payment of salary to staff continuing in Government and Aided TTI's for the above period without work, during the year 1995-96 the second year students were continuing their studies and hence the service of staff was essential for that year. However as per circular No. M2/59978/96/DPI dated 23-11-1996 direction was given to all Deputy Director of Education and District Educational Officers to fix staff strength of TTIs by creating protected posts and deploy the teachers in other schools in the existing vacancies with immediate effect. Based on the above direction, almost all staff (Teaching and Non Teaching staff) were deployed in the vacancies available in other schools by respective Deputy Directors of Education and Managers and they were called back to their parent institutions only after restarting TTC course. Moreover salary of the staff was released based on direction in G.O.(Rt) No.4550/97/G.Edn. Dated 24-12-1997.

Recommendation

(Sl. No. 17, Para No. 32)

Even though Government has a duty to provide education to children studying in schools without minimum strength also, unproductive establishment expenditure of Rs.3.67 crores per annum can't be taken for granted. The Committee thinks it fit to explore the possibility of merging two schools without minimum strength to one or admitting the students to the nearby schools of the locality.

Action Taken

As per Rule 22A Chapter V Kerala Education Rules, there should be an average of 25 students in a class whether in LP/UP or High Schools. The minimum effective strength per standard in Sanskrit and Arabic shall be 15. The Schools without the above minimum strength are treated as uneconomic. A school cannot be closed down only because it is uneconomic. Government is committed to provide education to all. Government have to honour the social commitment in imparting free and compulsory education up to secondary level. As the students residing in far away places belonging to socially and economically backward areas, isolated areas surrounded by water etc. have also the right to education. It may not be possible for the Government to take a rigid stand as recommended by the Committee in the case of such schools.

Recommendation

(Sl. No. 18, Para No. 36)

In the case of fixation of staff strength in an aided school under the jurisdiction of Mavelikkara DEO, the DPI personally conducted a detailed enquiry based on the report of the super check cell and ordered to recover Rs. 19.08 lakh from the Headmaster and DEO jointly who were responsible for the loss sustained to Government. Overriding this order, the DD conducted a further enquiry and refixed the responsibility of Rs. 13 lakhs against seven officers of whom majority were on the verge of retirement.

Recommendation

(Sl. No. 19, Para No. 37)

The Committee thinks that since a sufficiently serious mode of proceedings was conducted at the higher level the intervention of DD in the matter again was prefixing, most unwarranted and ridiculous. Refixing their responsibility on persons who were on the verge of retirement in fact reduced the chance to recover the loss sustained to Government. The further interference of DD on the matter evokes an element of suspicion of collusion between the DD, DEO and the Headmaster. The Committee is of the opinion that the department ought to have suspended the Headmaster with immediate effect when the fraud was noticed.

Action Taken on Para No. 36 & 37

During the year 2000-2001, the super check cell, Office of the DPI conducted a surprise inspection at the M.S.M.H.S.S., Kayamkulam. During the inspection it was found that the pupil strength recorded in the school records were based on fake documents. Accordingly the staff strength was revised reducing such students and decided to recover the liability from those teachers who were working in those posts created on the basis of bogus admissions. On further detailed enquiry, it was found that irregular posts were created in the school from the year 1995-96 and it was also decided to recover the financial loss to Government from the responsible and action was taken for the purpose. Further as per the observation of the Committee on the unwarranted action of the Deputy Director of Education, action is being taken to recover the loss, if any, caused to Govt. from Shri L. Rajan, the then Deputy Director of Education in file No. 7584/C3/10/G.Edn.

Recommendation

(Sl. No. 20, Para No. 38)

Since the matter is with the court, the Committee would like to know the present status of the case and what departmental action was taken by the DPI against the Headmaster and the concerned officers who had connived in this fraud. The Committee recommends to initiate criminal proceedings against the Manager who was responsible for bogus admission. The Committee directs to present the case well before the court, after clearing the defects. Also the department should think of fixing a norm such that, for permitting an appeal to the higher authority, the delinquent officer should remit 1/3 of the assessed amount. Such a norm can be a warning to other habitual corrupt officers and the chance of escaping by influencing higher officers can be avoided. Even though every person has a right to be heard, majority of the officers are misutilizing this right and drag the case up to their retirement and escape from the liability and departmental action.

Action Taken

As per order No. B3/33650/01 dated 6-5-2005 of the Deputy Director of Education, Alappuzha it was ordered to recover the loss from 57 officers including the concerned District Educational Officer, Headmaster and class teachers. Against this action teachers filed writ petitions before Hon'ble High Court. The Deputy Director, Education has reported that the recovery proceedings would be completed on disposal of the Writ Petitions. As the Petitions are reported to be still pending before the Hon'ble Court, Government have given directions to the Deputy Director, Education, Alappuzha to file Counter Affidavit in the pending Writ Petitions WP(C) No. 14056/08, as per Government letter No. 51265/A2/2008/G.Edn. Dated 16-1-2010.

The details of the amounts recovered from the pension of the retired officers were reported as below:

1.	Shri N. T. Bhadran, DEO	17641
2.	Shri C. G. Achuthakuruppu, HM	3931
3.	Smt. Radhamani, Teacher	10786

- | | | |
|----|-------------------------|-------|
| 4. | Smt. K. Saraswathi Amma | 16723 |
| 5. | Smt. E. Sathiyamma, HM | 3931 |
| 6. | Shri Aniyam kunju, HM | 3931 |

Action is being taken in file No. 54466/J1/09/G.Edn. to amend the rule to fix liability on the Manager and Headmaster for bogus admissions in consultation with Law Department. Final decision is pending.

Recommendation

(Sl. No. 21, Para No. 39)

Necessary amendments should be made in the KER such that responsibility for bogus admissions and increased staff strength should also be fixed on the Manager. Both the Manager and Headmaster should be made jointly liable in such cases.

Action Taken

Action is being taken in file No. 54466/J1/09/G.Edn. to amend the rule to fix liability on the Manager and Headmaster for bogus admissions in consultation with Law Department. Final decision is pending.

Further Recommendation on Para Nos. 36, 37, 38 & 39

The Committee directed to furnish the details of action taken by the department to recover the financial loss to the government from the responsible officers.

Action Taken

During the year 2000-2001, the super check cell at the Office of the DPI conducted a surprise inspection at the MSM HSS Kayamkulam. During the inspection it was found that the student strength recorded in the school records were based on fake documents. Accordingly the staff strength was revised after reducing such admissions and also decided to recover the financial loss incurred to the exchequer to the tune of Rs. 1,76,903 from responsible officers viz., DEO and the Headmaster vide order No. SC(2) 100603/2000/DPI dated, 27-9-2001 and thereto issued necessary proceedings by DDE Alappuzha vide Order No. B3-33650/2001 dated 27-11-2002 equally apportioning the liability amount among both officers.

Later in 2004 the Accountant General has observed in their audit that posts were sanctioned in excess based on bogus admission in the school during the academic years 1995-96 to 2000-2001 and quantified the excess payment as salary to the teachers during the check period to the tune of Rs. 18.08 lakhs and directed to modify the earlier order fixing liability. Thereafter the Deputy Director Alappuzha on a further verification had found that the class teachers were also responsible for these bogus admissions (since they marked attendance) besides HMs and DEOs and the total financial liability was reviewed and re-fixed among 57 persons proportionately including DEOs, HMs, and teachers vide Order No. B3/33650/01/KDIS dated 6-5-2005.

But it is seen that Writ Petitions were filed challenging the liability proceedings as early in 2004 by the Head Master Shri Achuthakurup against the order SC (2) 100603/2000/DPI dated 27-9-2001 in W.P.(C) No. 808/2004 and in 2008 & 2010 against order No. B3/33650/01/KDIS dated 6-5-2005 in WP(C) No. 14050/2008 & WP (C) No. 31444/2010 by the aggrieved teachers.

The Hon. High Court in their combined judgement dated 13-10-2014 in WP(C) No. 14050/2008 & WP(C) No. 31444/2010 had upheld the validity of the order of DPI vide SC (2)/100603/2000/DPI dated 27-9-2001 (where the losses ascertained as Rs. 1,76,903 and fixed it as liability of then DEO and HM) and quashed all subsequent proceedings issued re-fixing the liability by DPI and DDE based on the observations of the Accountant General and also on verification of DDE. In the light of the afore-mentioned judgement the total financial loss to be recouped stood as Rs. 1,76,903 (Rupees one lakh seventy six thousand nine hundred and three only) and the said amount has to be recovered from Shri N. T. Bhadrán, DEO Mavelikkara and Shri C. G. Achuthakurup, Headmaster, MSM HSS, Kayamkulam equally.

Despite that it is seen that the Headmaster Shri C. G. Achuthakurup filed Writ Petition before the Hon'ble High Court with No. WP(C) No. 808 of 2004-U against fastening of liability vide SC(2) 100603/2000/DPI dated 27-9-2001 and subsequent proceedings for recovery. The Hon'ble High Court in their judgement dated 4-1-2012 in the said W.P.(C) had quashed the aforementioned order and proceedings to the extent applicable to the HM Shri Achuthakurup and hence his liability to the tune of Rs.88451, remain irrecoverable.

In the case of remaining Rs.88,451 the amount has to be recovered from Shri N. T. Bhadran DEO and he had remitted Rs.17,641 so far on this account. Alongside it may be seen that the total estimated outstanding liability against him as on date will come to Rs.34,97,280 (Rupees Thirty Four Lakh Ninety Seven Thousand Two Hundred and Eighty only) excluding balance of Rs.70,810 in this account and the DPI has initiated revenue recovery proceedings for recouping it.

However it is seen that an amount of Rs. 3,60,689 in total has been recovered in this account so far from 23 teachers of the school and 4 DEOs (including Shri Bhadran) when the DDE has re-fixed and apportioned the liability proportionately among 57 persons including DEO, HM and teachers.

Observations of the Committee

The Committee took evidence from the Secretary, General Education Department and the concerned officials on 19-9-2018. Government Secretary explaining before the Committee about the recovery proceedings said that the teachers and HM against whom the liability was fixed approached the Court and Court exempted them from the liabilities and as of now the recovery proceedings are continuing with the concerned DEO only. Government Secretary expressing serious concern on the staff fixation based on bogus admission which in turn led to uneconomic schools also added that it is not the policy of Government to close down uneconomic schools but instead intends to utilise the facilities in future when rehabilitation and development comes in the area where the uneconomic schools are at present situated.

Committee after closely hearing the Government stand made the following observation. Committee points out that it is the prime responsibility of a Government to ensure that every child gets proper education as envisaged in the Right to Education Act and for that education facilities should be reachable and made available for each child. At the same time one can't ignore the increase in the number of uneconomic schools because of lack of students. Each school is selected for education based on several parameters such as its geographical location, approachability, weather conditions, infrastructure facilities, eminent & friendly teachers as well as general discipline in the school. If each of these factors are addressed properly and standard maintained, a steady flow of students can be ensured.

On deeper scrutiny one can understand that some schools are maintained and run not for the benefit of students but simply to accommodate and protect teachers. Committee is of the opinion that such schools must be closed down and teachers reallocated to other schools. Also Government should closely monitor and evaluate the status of uneconomic schools keeping a balance between the social commitment of Government and the financial impact of such schools.

The Committee approved the Government reply on the basis of Government Secretary's explanation before the Committee and with the aforesaid comments decides not to pursue further on the recommendation.

Recommendation

(Sl. No. 22, Para No. 42)

The Committee is of the opinion that there was sheer negligence on the part of the department in taking proper official action to recover the amount due from Universities. The delay of 19 years in taking action is clear dereliction of duty.

Action Taken

The Department has taken earnest steps to get the amount reimbursed from the universities viz., named Kerala, Calicut & Mahatma Gandhi University. But the universities have not remitted the amount since 1986-87. Government since ordered to recover the amount due from the grants of the universities vide G.O.MS 36/2005 dated, 8-4-2005 in 60 monthly instalments. Recovery started from April 2005 onwards and hence there is no laxity in taking action to recover the amount from the universities.

Recommendation

(Sl. No. 23, Para No. 43)

The Committee is informed that even though the Universities were reminded several times, they did not remit the amount and finally the Government had started to recover the amount in 60 instalments from April 2005. Therefore, the Committee desires to know the present position of the case. The Committee also wants to know the details of the negligence in the part of the department in assessing the amounts due from the Universities from 1999-2002. The Committee recommends that urgent steps should be initiated to recover the dues from Universities without any further delay.

Action Taken

There was no wilful negligence in assessing the amount due to the Universities from 1999-2002.

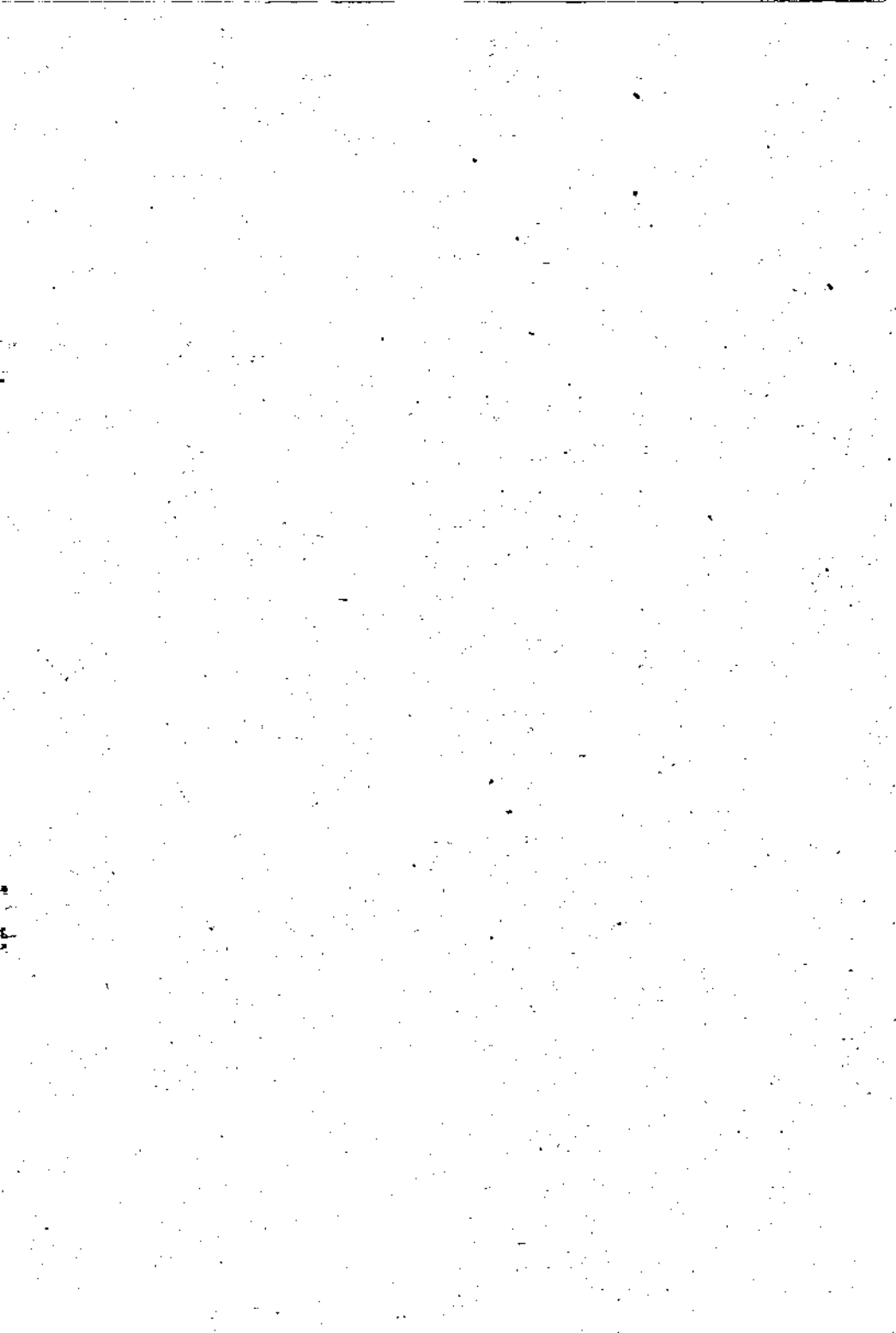
The details of due from four Universities for the period of 1999-2002 are as follows:

University	Years			
	1999-2000	2000-01	2001-02	Total
Kerala	35, 86,241	40,73,246	25,56,402	1,02,15,889
M.G. University	25,40,350	13,72,143	6,30,694	45,43,187
Calicut	75,91,812	98,00,885	88,20,691	2,62,13,388
Kannur	38,724	27,404	84,168	1,50,296

Government have considered the matter and ordered to recover the amount due from the Non-plan grant of the universities in 60 monthly instalments from April 2010 onwards vide G.O.(MS.) No. 101/2010/H.Edn., dated 24-5-2010.

Thiruvananthapuram,
12th November, 2019.

V. D. SATHEESAN,
Chairman,
Committee on Public Accounts.



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