

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 26TH DAY OF DECEMBER 2014/5TH POUSHA, 1936

WP(C).No. 35272 of 2014 (H)

PETITIONER :

**BINISH, AGED 32 YEARS,
S/O.KRISHNANKUTTY, KONAMPARAMBATH HOUSE,
NJARALLORE KARA, KIZHAKKAMBALAM P.O.,
ERNAKULAM - 683 562.**

BY ADV. SRI.MANU ROY

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
YOUTH WELFARE DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM. PIN-695 001**
- 2. THE SECRETARY,
KERALA STATE YOUTH WELFARE BOARD,
THIRUVANANTHAPURAM. PIN-695 001**
- 3. ERNAKULAM DISTRICT PANCHAYTH,
KAKKANAD, ERNAKULAM,
REPRESENTD BY ITS SECRETARY. PIN-682 030**

R1 BY GOVERNMENT PLEADER SRI.S.JAMAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-12-2014, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 35272 of 2014 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE CERTIFICATE DATED 29/11/2014

EXT.P2: TRUE COPY OF THE CERTIFICATE DATED 30/11/2014

EXT.P3: TRUE COPY OF ORDER DATED 30/11/2014

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

ANIL K. NARENDRA J.

W.P.C. No.35272 OF 2014

Dated this the 26th day of December, 2014

JUDGMENT

The petitioner had participated in Ernakulam District Keralotsavam, 2014. The grievance of the petitioner in this writ petition is that, though he performed well in the item Bharatanatyam, he was not granted the first place. His further grievance is that, the carpet in the stage was not properly spread and certain portions of which were projected upwards due to the unscientific laying of carpet. The petitioner lost steps on couple of occasions thereby losing his rhythm. Immediately after the event, the petitioner lodged a complaint before the stage manager. A participant by name Devika was declared as first prize winner. Aggrieved of the same, the petitioner filed an appeal before the Appeal Committee but the same was rejected by an order dated 30.11.2014. It is aggrieved by Ext.P3 order, the petitioner is before this Court in this writ petition.

2. Heard the arguments of the learned counsel for the petitioner and also the learned Government Pleader appearing for

the respondents.

3. The learned counsel for the petitioner would contend that, only due to the unscientific manner in which carpet was spread on the stage, the petitioner could not perform well. As a result of which, he lost a chance to secure first place.

4. The learned Government Pleader on instructions would submit that the grievance raised by the petitioner before the Appeal Committee was considered and the same was rejected by Ext.P3 order on a finding that, there is absolutely no basis for the grievance made by the petitioner. The learned Government Pleader would also pointed out that the first place winner secured 24 marks and the petitioner herein and two others secured second place with 22 marks each. The Appeal Committee on a finding that there is absolutely no illegality or irregularity in the assessment made by the judges, rejected the appeal by Ext.P3.

5. I have considered the rival submissions made before me. The defects if at all any, with regard to the stage, was equally applicable to all the participants. A perusal of Ext.P3 order passed

by the Appeal committee would show that, on a consideration of the facts and circumstances, the said committee came to a finding that there is no illegality or irregularity on the assessment made by the judges. The petitioner has no specific case of malafides against either the judges or the appeal committee. When the experts in the field have assessed the performance of the participants, this Court will not be justified in interfering with such assessment made by them in the absence of any vitiating circumstances.

In the said circumstances, I find no grounds to interfere with Ext.P3 order passed by the Appeal Committee and the writ petition is dismissed.

**ANIL K. NARENDHAN,
JUDGE.**

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