

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

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

WP(C).No.35365 of 2014 (U)

PETITIONER :

ARDRA.P.S. (MINOR),
AGED 15 YEARS, STANDARD XI, SILVER HILLS HIGHER SCHOOL,
PAROPPADY, KOZHIKODE,
REPRESENTED BY HER MOTHER AND GUARDIAN SHEREENA VIJAYAN,
W/O.P.V.SUNIL LAL, RESIDING AT ASWATHI,
NEAR KSHB COLONY, MEDICAL COLLEGE, KOZHIKODE DISTRICT.

BY ADVS.SRI.R.NIKHIL
SRI.BINU PAUL (NETTOOR)

RESPONDENTS :

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM – 695 014.
2. THE GENERAL CONVENOR,
SCHOOL KALOLSAVAM 2014– 15,
(THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM)–695014.
3. THE GENERAL CONVENOR,
KOZHIKODE DISTRICT SCHOOL KALOLSAVAM 2014–15,
(THE DEPUTY DIRECTOR OF EDUCATION, KOZHIKODE – 673001.
4. THE APPELLATE AUTHORITY,
SCHOOL KALOLSAVAM 2014–15,
KOZHIKODE DISTRICT,
REPRESENTED BY ITS CHAIRMAN – 673001.
5. THE PRINCIPAL,
SILVER HILLS HIGHER SECONDARY SCHOOL,
PAROPPADY, KOZHIKODE – 673 001.

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6. GENERAL CONVENER,
KERALA STATE HIGHER SECONDARY SCHOOL YOUTH FESTIVAL,
KUNNAMANGALAM HIGHER SECONDARY SCHOOL,
KUNNAMANGALAM, KOZHIKODE – 673 571.

BY GOVERNMENT PLEADER SRI.S.JAMAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26-12-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:-

- | | | |
|---------|---|--|
| EXT.P1 | : | A TRUE COPY OF THE CERTIFICATE. |
| EXT.P2 | : | A TRUE COPY OF THE CERTIFICATE. |
| EXT.P3 | : | A TRUE COPY OF THE CERTIFICATE. |
| EXT.P4 | : | A TRUE COPY OF THE CERTIFICATE. |
| EXT.P5 | : | A TRUE COPY OF THE CERTIFICATE. |
| EXT.P6 | : | A TRUE COPY OF THE CERTIFICATE. |
| EXT.P7 | : | A TRUE COPY OF THE CERTIFICATE. |
| EXT.P8 | : | A TRUE COPY OF THE CERTIFICATE. |
| EXT.P9 | : | A TRUE COPY OF THE CERTIFICATE. |
| EXT.P10 | : | A TRUE COPY OF THE ORDER No.A4/10394/2014
(2) DTD.22/12/2014. |
| EXT.P11 | : | A TRUE COPY OF THE TABULATION SHEET FOR
BHARATHANATYAM IN KOZHIKODE CITY SUB-
DISTRICT KALOLSAVAM 2014-15. |

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J

W.P.(C.)No.35365 Of 2014

DATED THIS THE 26th DAY OF DECEMBER, 2014

JUDGMENT

The petitioner participated in the item Bharathanatyam(Girls) in the Chevayur Sub District School Kalotsavam and she secured only 2nd price. The mark secured by the petitioner is 247 whereas the first position holder secured 250 marks. The petitioner filed an appeal before the Appeal Committee alleging bias and favouritism of Judges. The said appeal was rejected by Exhibit P10 order, which is under challenge in this Writ Petition.

2. I heard arguments of the learned counsel for the petitioner and also the learned Government Pleader appearing for the respondents.

3. As I have already noticed, there is a difference of three marks between the petitioner and the student who secured first position in the item Bharathanatyam (Girls). It was after considering the appeal submitted by the petitioner, the Appeal Committee vide Exhibit P10, rejected the appeal stating that the grievance highlighted by the petitioner regarding technical issues are unsustainable. The learned counsel for the petitioner would contend that the floor was unsuitable and due to skidding petitioner could not perform the item well. It was after considering the said grievance of the petitioner, the Appeal Committee

passed Exhibit P10 order rejecting the appeal filed by the petitioner.

4. The defects if at all any, with regard to the stage, was equally applicable to all participants. 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 and awarded marks, this Court will not be justified in interfering with such assessments made by them, in the absence of any vitiating circumstances.

5. The finding of fact made by the Appeal Committee in Exhibit P10 cannot be termed as either arbitrary or perverse warranting any interference of this Court under Article 226 of the Constitution of India.

I find absolutely no merit in this Writ petition and the same is dismissed.

Sd/-
ANIL K.NARENDRA,
JUDGE

dsn