

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.35378 of 2014 (Y)

PETITIONER :

SREELEKSHMI (MINOR), AGED 15 YEARS,
STANDARD-X STUDENT,
PRESENTATION HIGHER SECONDARY SCHOOL,
REPRESENTED BY HER MOTHER AND GUARDIAN SHIJI,
AGED 41 YEARS, W/O.UDHAYABANU, RESIDING AT
KOLLAPARAMBIL HOUSE, NALLALAM.P.O.,
KOZHIKODE DISTRICT.

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

RESPONDENTS :

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695014.
 2. THE GENERAL CONVENOR,
SCHOOL KALOLSAVAM 2014-15,
(THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANATHAPURAM)-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,
(DISTRICT EDUCATIONAL OFFICER, KOZHIKODE -673 001.)

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5. THE PRINCIPAL,
PRESENTATION HIGHER SECONDARY SCHOOL,
KOZHIKODE-673 001.
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:

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APPENDIX

PETITIONER'S EXHIBITS :-

- EXT.P1 : A TRUE COPY OF THE CERTIFICATE.
- EXT.P2 : A TRUE COPY OF THE ORDER No.A4/10394/2014
(2) DTD.22/12/2014.
- EXT.P3 : A TRUE COPY OF THE TABULATION SHEET FOR
BHARATHANATYAM IN KOZHIKODE CITY SUB-
DISTRICT KALOISAVAM 2014-15.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J

W.P.(C.)No.35378 Of 2014

DATED THIS THE 26th DAY OF DECEMBER, 2014

JUDGMENT

The petitioner participated in the item Keralanadanam in the Chevayur Sub District School Kalotsavam. When the result was declared, the petitioner could not secure the first position. In such circumstances, the petitioner filed an appeal before the Appeal Committee, alleging bias and favoritism on the part of the judges. The said appeal was rejected by Exhibit P2 order passed by the Appeal Committee and it is aggrieved by the said order, the petitioner is before this Court in this Writ petition.

2. Heard arguments of the learned counsel for the petitioner and the learned Government pleader appearing for the respondents.

3. The learned Government Pleader on instructions submitted that there is a difference of seven marks between the petitioner and the participant who secured first position in Keralanadanam.

4. The assessment made by the Judges in respect of the

item Keralanadanam was challenged by the petitioner on the ground of bias and favouritism on the part of the Judges. It was also contended that there was a difference of only two marks between the petitioner and the participant who secured first position and therefore this Court should interfere in the matter.

5. Now, as submitted by the learned Government Pleader, there is a considerable difference of seven marks between the petitioner and the participant who secured first price. Further, the contention raised by the petitioner regarding bias and favouritism on the part of the Judges and also the technical grounds like skidding of the stage were rightly rejected by the Appeal Committee in Exhibit P2 order.

6. 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.

7. I find absolutely no grounds to interfere with Exhibit P2 order passed by the Appeal Committee.

The Writ Petition fails and the same is dismissed.

Sd/-
ANIL K.NARENDRA,
JUDGE

dsn