

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 30TH DAY OF DECEMBER 2014/9TH POUSHA, 1936

WP(C) .No. 35405 of 2014 (A)

PETITIONER(S) :

UNNIMAYA B.S. AGED 16 YEARS
KUTTIPPADAMAL, THAMARASSERY, KOZHIKODE-673 573
REPRESENTED BY HER GUARDIAN AND FATHER
BIJUNATH .V.M.

BY ADV. SRI.AJITH KRISHNAN

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695 001.

2. DIRECTOR OF PUBLIC INSTRUCTION
DIRECTORATE OF PUBLIC INSTRUCTION, JAGATHY
THIRUVANANTHAPURAM-695 014.

3. THE DISTRICT EDUCATIONAL OFFICER
KOZHIKODE-673 001.

4. THE CONVENOR
KOZHIKODE REVENUE DISTRICT SCHOOL KALOLSAVAM
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION
KOZHIKODE-673 001.

BY GOVERNMENT PLEADER SMT.C.K.SHERIN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-12-2014, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) .No. 35405 of 2014 (A)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHBIT P1. TRUE COPY OF THE MERIT CERTIFICATE GAZAL (URDU) IN THE
54TH KERALA STATE SCHOOL KALOLSAVAM

EXHBIT P2. TRUE COPY OF THE RECEIPT DATED 21/11/2014 EVIDENCING
THE SUBMISSION OF THE APPEAL

EXHBIT P3. TRUE COPY OF THE ORDER DATED 23/12/2014 ISSUED BY THE
3RD RESPONDENT

RESPONDENT(S) ' EXHIBITS : NIL

//True copy//

P.A to Judge

stu

ANIL K.NARENDRA, J.

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W.P.(C).No.35405 of 2014

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Dated this the 30th day of December, 2014

JUDGMENT

The petitioner participated in the item Gazal (Urdu) in the Chevayur Sub District School Kalolsavam. The petitioner secured only 2nd prize with 'A' grade. She filed an appeal before the Appeal Committee, which resulted in Ext.P3 order dated 23.12.2014. Aggrieved by the said order, the petitioner approached this Court by filing the writ petition.

2. Heard 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, as evident from Ext.P1, the petitioner secured 1st prize with 'A' grade in the state level competition during the previous academic year.

4. The learned Government Pleader, on instruction, would submit that there is a difference of '4' marks between the petitioner and the participant who secured first position in the item Gazal (Urdu). The learned Government Pleader would further submit that going by the report submitted by the Stage Manager, there is absolutely no technical fault while the

petitioner was performing the item.

5. I have considered the rival submissions made at the Bar.

6. The copy of the memorandum of appeal filed by the petitioner before the Appeal Committee is not on record. The pleading in the writ petition is to the effect that when the petitioner was performing the item Gazal (Urdu), there was problem with the mike system, which affected her performance. The perusal of Ext.P3 would show that the said contention taken by the petitioner before the Appeal Committee was considered by the said committee with reference to the report of the Stage Manager and found that it is without any basis. It was taking note of the said aspect and also the fact that the petitioner secured much lower mark than the participant who secured 1st prize, the Appeal Committee rejected the appeal by Ext.P3 order.

7. The defects, if any, with regard to the mike system was equally applicable to all participants. Further, the petitioner has not chosen to produce before this Court a copy of the memorandum of appeal filed before the Appeal Committee. The petitioner has no specific case of any malafides against either the Judges of the Appeal Committee. When experts in the field have assessed the performance, which is now confirmed in the order

passed by the Appeal Committee, this Court will not be justified in interfering with their decision under Article 226 of the Constitution of India, in the absence of any vitiating circumstances.

In the result, I find absolutely no grounds to interfere with Ext.P3 order passed by the Appeal Committee. The writ petition fails and the same is dismissed.

Sd/-
ANIL K.NARENDHAN,
JUDGE.

stu