

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. 35407 of 2014 (A)

PETITIONER(S) :

DEVASRI DEVADATH,
9TH STD.STUDENT
ST.JOSEPH'S ANGLO INDIAN GIRLS HIGHER SECONDARY SCHOOL
KOZHIKKODE REPRESENTED BY FATHER, DEVADATHAN C.P.
SREE BINDU NIVAS, ZAMORINS COLLEGE, NORTH ROAD
KOZHIKKODE.

BY ADVS.SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH

RESPONDENT(S) :

1. THE KOZHIKKODE REVENUE DISTRICT SCHOOL FESTIVAL
COMMITTEE, REPRESENTED BY ITS GENERAL CONVENOR
DEPUTY DIRECTOR OF EDUCATION, KOZHIKKODE-673001.

2. THE PROGRAMME CONVENOR
KOZHIKKODE REVENUE DISTRICT SCHOOL FESTIVAL COMMITTEE
KUNNAMANGALAM, KOZHIKKODE-673001.

3. THE DISTRICT EDUCATIONAL OFFICER
KOZHIKKODE-673001.

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. 35407 of 2014 (A)

APPENDIX

PETITIONER'S EXHIBITS:

- P1 : COPY OF THE CERTIFICATE AWARDED TO THE PETITIONER
DATED 25.9.2014.
- P2 : COPY OF THE RELEVANT EXTRACT OF THE SCHOOL FESTIVAL
MANUAL.
- P3 : COPY OF THE SCORE SHEET OF THE PETITIONER.
- P4 : COPY OF THE ORDER IN APPEAL PASSED BY THE APPEAL
COMMITTEE.

RESPONDENT'S EXHIBITS : NIL

//True copy//

P.A to Judge

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ANIL K.NARENDRA, J.

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W.P.(C).No.35407 of 2014

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Dated this the 30th day of December, 2014

JUDGMENT

The petitioner participated in the item 'Kathakali' (Single) Girls in Kozhikkode Sub District School Kalolsavam. The petitioner secured 2nd place with 'A' grade. The grievance of the petitioner is that the evaluation of the performance of the participants made by the judges are not in terms of the relevant rules. Raising such contention, an appeal was filed before the Appeal Committee, which ended in dismissal by Ext.P5 order. 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 Government Pleader, on instruction, submits that the petitioner secured only 215 marks; whereas the participant who secured first place obtained 250 marks. During the course of hearing, it was brought to my notice that the petitioner participated in the Sub District level on the strength of an order passed by the Appeal Committee.

4. I have considered the rival submissions made at the Bar. The main thrust of the argument advanced by the learned

counsel for the petitioner is that, going by Clause 8.07 of the Kerala School Youth Festival Manual, when there are only less than '3' participants in an item, the participants can be sent for higher level competition based on their grade. But, as already pointed out by the learned Government Pleader, there is considerable difference in the marks secured by the petitioner and the participant who secured the 1st place. In such circumstances, relying on the Clause 8.07 of the Youth Festival Manual, the petitioner cannot contend that she should be sent for higher level competition based on the grading obtained in the Sub District Level.

5. A perusal of Ext.P4 order passed by the Appeal Committee, the only contention raised by the petitioner before the said committee was that he could not perform the item well as his crown became loose while performing Kathakali. After considering the said contention raised by the petitioner, the Appeal Committee by Ext.P4, rejected the appeal and confirming the evaluation made by the Judges.

6. Further, the petitioner has not chosen to produce before this Court a copy of the memorandum of appeal filed before the Appeal Committee. In this writ petition, the petitioner cannot raise contentions which were not even raised 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.

I find absolutely no grounds to interfere with Ext.P4 order passed by the Appeal Committee and therefore, the writ petition fails and the same is dismissed.

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Sd/-
ANIL K.NARENDRA N ,
JUDGE.