

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. 35411 of 2014 (B)

PETITIONER:

LAKHMI R., AGED 41 YEARS
STUDYING IN 8TH STANDARD
ST. JOSEPH'S ANGLO INDIAN GIRLS HSS, KOZHIKODE
CAPTAIN GROUP DANCE TEAM OF ST. JOSEPH'S ANGLO INDIAN GIRLS
HSS KOZHIKODE REPRESENTED BY HER FATHER
RAJESH KUMAR, S/O. RAMACHANDRAN NAIR, AGE 41
PUTHENCHERRY HOUSE, CHEVAYOOR, KOZHIKODE-673017.

BY ADV. SRI. JOHNSON JOSE PANJIKKARAN

RESPONDENT(S):

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1. STATE OF KERALA
DEPARTMENT OF EDUCATION
REPRESENTED BY ITS SECRETARY
THIRUVANANTHAPURAM-695001.
 2. KOZHIKODE REVENUE DISTRICT SCHOOL FEST COMMITTEE
REPRESENTED BY GENERAL CONVENOR,
WHO IS THE DEPUTY DIRECTOR OF EDUCATION
KOZHIKODE-673017. NOW STATIONED AT KUNNAMANGALAM HSS
KUNNAMANGALAM, KOZHIKODE-673017.
 3. CONVENOR PROGRAM COMMITTEE
KOZHIKODE REVENUE DISTRICT SCHOOL FEST COMMITTEE NOW
STATIONED AT KUNNAMANGALAM HSS
KUNNAMANGALAM, KOZHIKODE-673 017.

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:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : TRUE COPY OF THE CERTIFICATE OF MERIT ISSUED BY THE KERALA SCHOOL KALOLSAVUM 2014-15 DT.19-11-14.
- EXT.P2 : TRUE COPY OF THE RELAVANT PORTION OF THE MANUEL OF THE KERALA SCHOOL KALOLSAVUM.
- EXT.P3 : TRUE COPY OF THE RELAVANT PORTION OF THE MANUEL OF THE KERALA SCHOOL KALOLSAVUM DEALING WITH CATEGORY II.
- EXT.P4: TRUE COPY OF THE TABULATION SHEET ISSUED BY SENIOR SUPERINTENDENT, OFFICE OF THE ASST.EDUCATIONAL OFFICE, KOZHIKODE DT.18-11-14.
- EXT.P5 : TRUE COPY OF THE SCORE SHEET ISSUED BY SENIOR SUPERINTENDENT, OFFICE OF THE ASST.EDUCATIONAL OFFICE, KOZHIKODE DT.18-11-14.
- EXT.P6: TRUE COPY OF THE NOTICE OF THE DISTRICT YOUTH FESTIVAL, KOZHIKODE.
- EXT.P7: TRUE COPY OF THE RELAVANT PORTION OF THE MANUEL OF THE KERALA SCHOOL KALOLSAVUM DEALING WITH THE CONSTITUTION OF THE APPEAL COMMITTEE OF THE DISTRICT APPEAL COMMITTEE.

RESPONDENT(S)' EXHIBITS: NIL

TRUE COPY

P.S.TO JUDGE

ANIL K.NARENDRA, J

W.P.(C.)No.35411 Of 2014

DATED THIS THE 30th DAY OF DECEMBER, 2014

JUDGMENT

The petitioner participated in the Kozhikode Sub District Kalolsavam in the item 'Sanganrutham (Girls)'. The petitioner's team got only 3rd place and she filed an appeal before the Appeal Committee. The same was rejected by order dated 23.12.2014. The petitioner has approached this Court in this Writ Petition seeking an order to permit her team to participate in the Kozhikode District Youth Kalolsavam scheduled to be held in January 2015.

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 the petitioner's team secured only 249 marks, whereas the team which secured first position, got 256 marks. The learned counsel for the petitioner would contend that the stage where the event took place was slippery and parts of the stage which was made of cement was partly destroyed and in such

circumstances, the group was not able to perform upto the mark.

4. A perusal of the order dated 23.12.2014 passed by the Appeal Committee, a copy of which was handed over to this Court by the learned counsel for the petitioner, would show that the said contention raised by the petitioner was considered by the Appeal Committee based on the report submitted by the Stage Manager and the Committee found that the contention in this regard is only to be rejected. The Appeal Committee has also found that there was considerable difference between the marks secured by the petitioner's team and the team that secured first place. It was in such circumstances, the Appeal Committee rejected the appeal by order dated 23.12.2014.

5. Relying on clause 9.13 of the Kerala Youth Festival Manual, the petitioner would contend that her team was asked to perform the item during night in contrary to the mandate under the said clause. It is not in dispute that along with the petitioner's team other teams have also performed the item 'Sanganritham' during night. In such circumstances, the petitioner cannot contend that her team should be permitted to

participate in the District Level Competition in view of the violation of clause 9.13 of the Manual.

6. The defects, if any, with regard to the stage 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 or 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.

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

In the result, the Writ Petition fails and the same is dismissed.

Sd/-
ANIL K.NARENDRA,
JUDGE

dsn