

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.35417 of 2014 (B)

PETITIONER :

NAMITHA BOSS, AGED 16 YEARS,  
D/O. DONBOSCO P.H., PLUS TWO STUDENT,  
SAVIO HIGHER SECONDARY SCHOOL, DEVAGIRI, KOZHIKODE,  
MINOR, REPRESENTED BY HER FATHER DONBOSCO P.H.  
8 PRIYA, S.B. COLONY, PATTTERI,  
KOZHIKODE.

BY ADV. SRI.JOSE KURIAKOSE (VILANGATTIL)

RESPONDENTS :

1. THE CHAIRMAN, APPEAL COMMITTEE,  
SUB DISTRICT SCHOOL KALOLSAVAM 2014-15,  
KOZHIKODE EDUCATIONAL DISTRICT &  
DISTRICT EDUCATIONAL OFFICER,  
KOZHIKODE-673001.
2. DISTRICT EDUCATIONAL OFFICER,  
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,  
KOZHIKODE-673001.
3. GENERAL CONVENER,  
SUB DISTRICT SCHOOL KALOLSAVAM 2014-15,  
KOZHIKODE EDUCATIONAL DISTRICT,  
KOZHIKODE-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:

APPENDIX

PETITIONER'S EXHIBITS :-

- P1. TRUE COPY OF THE INTIMATION DATED 19-9-2011 ISSUED BY CENTRE FOR CULTURAL RESOURCES AND TRAINING (UNDER THE AEGIS OF MINISTRY OF CULTURE, GOVERNMENT OF INDIA).
- P2. TRUE COPY OF THE LETTER OF DISBURSEMENT OF THE SCHOLARSHIP DATED 25-5-2013 ISSUED BY THE ASSISTANT REGISTRAR (ACD), SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY.
- P3. TRUE COPY OF THE CERTIFICATE OF MERIT KUCHUPUDI IN THE KOZHIKODE RURAL SUB DISTRICT SCHOOL KALOLSAVAM 2013-14 HELD IN NOVEMBER 2013.
- P4. TRUE COPY OF THE CERTIFICATE OF MERIT IN KUCHUPUDI COMPETITION IN THE SHCOOL KALOLSAVAM HELD IN THE YEAR 2012-13.
- P5. TRUE COPY OF THE MERIT CERTIFICATE IN KUCHUPPUDI(GIRLS) IN KOZHIKODE REVENUE DISTRICT LEVEL IN THE KERALA SCHOOL KALOLSAVAM CONDUCTED IN DECEMBER 2013.
- P6. TRUE COPY OF THE CERTIFICATE OF MERIT IN KUCHUPPUDI (GIRLS) IN KOZHIKODE CITY SUB DISTRICT LEVEL IN THE KERALA SCHOOL KALOLSAVAM CONDUCTED IN DECEMBER 2012.
- P7. TRUE COPY OF THE CERTIFICATE OF MERIT IN NADODI NRUTHAM (GIRLS) IN THE KOZHIKODE RURAL SUB DISTRICT SCHOOL KALOLSAVAM 2013-14.
- P8. TRUE COPY OF THE CERTIFICATE OF MERIT IN SANGHA NRUTHAM (GIRLS) IN THE KOZHIKODE CITY SUB DISTRICT KERALA SCHOOL KALOLTSAVAM 2012.
- P9. TRUE COPY OF THE CERTIFICATE ISSUED BY AMRITA TELEVISION.
- P10. TRUE COPY OF THE NEWS PAPER REPORT DATED 5-1-13.
- P11. TRUE COPY OF THE NEWSPAPER REPORT DATED 15-1-13.
- P12. TRUE COPY OF THE MERIT CERETIFICATE IN KUCHUPUDI IN THE SCHOOL KALOLSAVAM 2014-15 HELD IN OCTOBER 2014.
- P13. TRUE COPY OF THE MERIT CERTIFICATE IN KUCHUPPUDI (GIRLS) IN THE KOZHIKODE RURAL SUB DISTRICT SCHOOL KALOLSAVAM 2014-15 HELD IN NOVEMBER 2014.
- P14. TRUE COPY OF THE ORDER DATED 23-12-14 ISSUED BY THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

**ANIL K.NARENDRA, J.**

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**W.P.(C).No.35417 of 2014**  
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**Dated this the 30<sup>th</sup> day of December, 2014**

**JUDGMENT**

The petitioner participated in the Sub District Level Kalolsavam in the item 'Kuchuppudi'. The grievance of the petitioner is that in spite of her performance in the said item, she was placed only 3<sup>rd</sup> position. She filed appeal before the Appeal Committee which was rejected by Ext.P14 order stating that going by the report submitted by the Stage Manager there is absolutely no technical fault.

2. In the Writ Petition filed before this Court, the petitioner would contend that due to the influence exerted on the judges, the petitioner was placed only 3<sup>rd</sup> position. She has also raised a contention that the judges, who evaluated the performance of the petitioner, were not even qualified to evaluate such an item. Relying on various documents produced along with the Writ Petition, the petitioner would contend that in the earlier years as well as in the current year,

the petitioner has performed well and therefore the assessment as far as the item Kuchuppudi is concerned is absolutely without any basis. The learned Government Pleader on instructions submitted that there is a difference of 7 marks between the petitioner and the participant who secured first place.

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

4. Though the petitioner has raised various contentions in the Writ Petition regarding the undue influence exerted on the judges and that the judges were not qualified to evaluate the item, a perusal of Ext.P14 order would show that no such contentions were raised before the Appeal Committee. In the Writ Petition the petitioner has also no case that though such contentions were raised before the Appeal Committee, the said Committee refused to consider those contentions.

5. A perusal of Ext.P14 order would show that the only contention raised by the petitioner before the Appeal

Committee is regarding the technical issues on the stage which the Appeal Committee rejected relying on the report made by the Stage Manager.

6. From the facts disclosed in the Writ Petition, it is seen that the performance of the petitioner was evaluated by an expert body consisting of more than one judges. Against the evaluation made by the judges, the petitioner filed an Appeal before the Appeal Committee, which was also considered by the said Committee which resulted in Ext.P14 order.

7. 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.

I find absolutely no ground to interfere with Ext.P14 order passed by the Appeal Committee. The Writ Petition fails and the same is dismissed.

**ANIL K.NARENDHAN, JUDGE**

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