

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

OP(C) .No. 95 of 2015 (O)

OS NO.61/2015 OF THE MUNSIFF'S COURT, ERNAKULAM

PETITIONER(S) :

ATHIRA BABY, AGED 15 (MINOR), D/O BABY K.D.,
KANJIRATHINGAL HOUSE, NAZRETH NAGAR ROAD,
ANGAMALY P.O., PIN-683 572, REP. BY HER FATHER AND
LAWFUL GUARDIAN, GABY K.D., S/O DEVASSY, AGED 52,
KANJIRATHINGAL HOUSE, NAZRETH NAGAR ROAD,
ANGAMALY P.O., PIN - 683572.

BY ADVS.SMT.K.N.BINDU
SMT.K.BHAVYA GOPAL

RESPONDENT(S) :

- 1.DIRECTOR OF PUBLIC INSTRUCTIONS,
DIRECTORATE OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM - 695001.
- 2.THE DEPUTY DIRECTOR OF EDUCATION,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
ERNAKULAM - 682 030.

BY GOVERNMENT PLEADER SRI.JUSTIN JACOB

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

BKA/-

OP(C) .No. 95 of 2015 (O)

APPENDIX

PETITIONER' (S) EXHIBITS:

EXT.P1 COPY OF G.O.M.S.NO.338/2012/G.E.D. DATED 18.10.2012.
EXT.P2 COPY OF ADMISSION CARD DATED 03.12.2014.
EXT.P3 COPY OF ORDER DATED 19.12.2014.
EXT.P4 COPY OF THE PLAINT IN OS NO.61/2015 OF THE MUNSIFF COURT,
 ERNAKULAM.
EXT.P5 COPY OF IA NO.332/15 IN OS NO.61/2015.

RESPONDENT' (S) EXHIBITS: NIL

//TRUE COPY//

PA TO JUDGE

bka/-

P. BHAVADASAN, J.

O.P.(C) No.95 of 2015

Dated this the 14th day of January, 2015.

JUDGMENT

This is a petition filed under Article 227 of the Constitution of India, seeking a direction to the respondents to let the petitioner to contest in the State School Youth Festival scheduled to be held from 15.1.2015 at Kozhikode in Folk Dance in the High School Level. The petitioner had already moved O.S.No.61 of 2015 before the Munsiffs Court, Ernakulam aggrieved by the dismissal of the appeal filed by the petitioner.

2. The petitioner claims to be the first prize winner in Folk Dance in the Ernakulam District Youth Festival and also in the State School Youth Festival in High School Level in the year 2014. Unfortunately, this year at the District Level, she was not adjudged good enough to compete in the State Level. The petitioner has got sufficient grievances regarding the assessment. Whatever that be, the appeal filed by the petitioner was dismissed. She has sought adequate reliefs

before the Munsiff Court, Ernakulam. The petitioner moved an interlocutory application for interim relief, in which notice was issued by the court below, since the Director of Public Instructions and the Deputy Director of Education are the defendants in that suit and the respondents in the I.A. The learned counsel for the petitioner points out that the event supposed to take place on 16.1.2015 and if notice involved is not returned, the court below will not be able to pronounce order on the above interlocutory application.

3. The learned counsel for the petitioner points out that under Section 80 of the Code of Civil Procedure, notice has already been issued, but still in view of the interdiction of Section 80(2) of the Code, no interim order has been passed. This Court is also bound by the above provision.

4. However, the learned counsel for the petitioner also points out that he may be allowed to implead the State Government represented by District Collector as additional defendant and serve copy of the same to the Government Pleader of the District. In that case, there may be a direction

to hear the matter tomorrow itself.

This original petition is disposed of with a direction to the court below that in case the State is impleaded and notice is served to the Government Pleader, the matter may be heard tomorrow itself.

**P. BHAVADASAN
JUDGE**

Scl.