

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

WA.No. 676 of 2015 () IN WP(C).4252/2014

**AGAINST THE ORDER/JUDGMENT IN WP(C) 4252/2014 of HIGH COURT OF KERALA
DATED 26-11-2014**

APPELLANT(S)/PETITIONERS:

- 1. DAYITHA BABU AGED 17 YEARS
MINOR, REPRESENTED BY FATHER DINESH BABU, DAYITHAM
ULIKKAL P.O., KANNUR DISTRICT.**
- 2. ANUSREE.C.
MINOR REP. BY FATHER C.HEMACHANDRAN, SREE NILAYAM
VELLIYAMPARAMBA, MATTANNUR COLLEGE P.O.
KANNUR DISTRICT.**
- 3. VIJINA RAVEENDRAN,
D/O.CHANDRAMATHI.M., VAISHNAVAM, CUT AND COVER
MATTANNUR COLLEGE P.O. KANNUR DISTRICT.**
- 4. SRELAKSHMI, AGED 17 YEARS
MINOR, REPRESENTED BY FATHER C.M.RAJENDRA KUMAR
RAMA NILAYAM, MATTANNUR P.O., KANNUR DISTRICT.**
- 5. ARCHANA MANOHAR,
D/O.SOBHANA.P., SOUPARNIKA, KALLUR P.O
MATTANNUR, KANNUR DISTRICT**
- 6. SREE DRISHYA.K.V., AGED 17 YEARS
MINOR, REPRESENTED BY MOTHER, SHYLAJA K.V.
TWINKLE, PORORA P.O., KANNUR DISTRICT.**
- 7. VINEETHA.R.K., AGED 17 YEARS
MINOR, REPRESENTED BY FATHER, P.K.NARAYANAN
AMBIKA NIVAS, UTHIYOOR, MATTANNUR P.O.
KANNUR DISTRICT.**

BY ADV. SRI.CIBI THOMAS

RESPONDENT(S)/RESPONDENTS:

1. GENERAL CONVENOR
54TH KERALA SCHOOL KALOISAVAM
GENERAL EDUCATION DEPARTEMENT, GOVERNMENT OF KERALA
THIRUVANANTHAPURAM - 695 001.
2. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
3. THE DEPUTY DIRECTOR OF EDUCATION
KANNUR-670001.
4. THE DIRECTOR,
HIGHER SECONDARY EDUCATION, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
5. THE DIRECTOR,
VOCATIONAL HIGHER SECONDARY EDUCATION, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
6. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 25-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO.676/15

APPENDIX

APPELLANTS' EXHIBITS

ANNEXURE 1: TRUE COPY OF THE JUDGMENT IN WPC NO.29820/13 dated 30.7.14.

ANNEXURE II: TRUE COPY OF THE JUDGMENT IN WA NO.1843/2014 DATED 13/1/15.

Rp

//True copy//

PA to Judge

**ASHOK BHUSHAN, CJ
&
A.M. SHAFFIQUE, J.**

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W.A. No. 676 of 2015

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Dated this, the 25th day of May, 2015

J U D G M E N T

Shaffique, J.

This appeal is filed against the judgment dated 26/11/14 in W.P (C) No. 4252/14. The petitioners have participated in the Kerala State School Kalolsavam in the year 2013-14. They have also appeared before the State Level Competition by virtue of an appellate order passed by the District Level Appellate Committee. Petitioners approached this Court contending that they have secured enough marks to enable them to get A grade. It is stated that there were 26 candidates in the State Level Competition for Group Dance item. Petitioner secured 15th place. They obtained 230 marks and the cut off marks for getting A grade was 210. Therefore, according to the petitioners, they were also entitled for A grade and consequent grace marks.

2. A statement was filed by the Government on behalf of the 6th respondent, *inter alia* stating that in the State Level

2:-

Competitions, petitioners secured only 230 marks whereas 1st prize winner from the District level competitions secured an aggregate of 237 marks in the State level competitions. This position is well covered by our judgment dated 13/1/15 in WA No.1843/14, wherein we have held that those candidates who had participated in the State level competitions and having procured equal marks as that of the prize winner is entitled for A Grade and consequential grace marks. Thus, it is clear that the petitioners do not have the marks equal to that of the prize winner from the District, who has obtained 237 marks, where as the petitioners got only 230 marks.

3. In the above circumstances, we do not find any error in the judgment of the learned single Judge dismissing the writ petition as the petitioners are not entitled for any relief as sought for.

In the result, writ appeal is dismissed.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp