

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. 964 of 2015 () IN WP(C).8741/2015

**AGAINST THE ORDER/JUDGMENT IN WP(C) 8741/2015 of HIGH COURT OF KERALA
DATED 08-04-2015**

APPELLANT(S)/PETITIONER:

**ALIDA SURENDRAN
D/O.SURENDRAN M., STUDYING IN PLUS TWO
REPRESENTED BY HIS FATHER AND NATURAL GUARDIAN
SURENDRAN M., KUNDANCHALIL HOUSE, PATTIAM
PATHAYAKUNNU POST, PIN-670 691.**

BY ADV. SRI.P.V.SURENDRANATH

RESPONDENT(S)/RESPONDENTS:

- 1. SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, GOVERNMENT OF KERALA
SECRETARIAT, THIRUVANANTHAPURAM-695001**
- 2. DIRECTOR OF PUBLIC INSTRUCTIONS
DPI JUNCTION, THIRUVANANTHAPURAM-695 001.**
- 3. DEPUTY DIRECTOR OF EDUCATION
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION, KANNUR
TALAP, KANNUR - 670 002.**
- 4. PRINCIPAL
GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL
KADIRUR, P.O.KADIRUR, KANNUR-670 642.**

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.964/15

APPENDIX

APPELLANT'S EXHIBITS

ANNEXURE A1: A TRUECOPY OF THE COMMON JUDGMENT OF THE LEARNED SINGLE JUDGE IN WRIT PETITION (CIVIL) NO.3894/2015 DATED 8.4.2015.

Rp

//TRUE COPY//

PS TO JUDGE.

ASHOK BHUSHAN, CJ

&

A.M. SHAFFIQUE, J.

=====

W.A. No. 964 of 2015

=====

Dated this, the 25th day of May, 2015

J U D G M E N T

Shaffique, J.

The petitioner is the appellant. The appeal is filed against the judgment dated 8/4/2015 in W.P (C) No. 8741/2015. The writ petition is filed *inter alia* contending that the petitioner, who is a Plus Two student, has participated in the Sub District Level Competition as well as the District Level Fair. On account of some mistake, she was not granted eligible A grade with first or second prize and therefore, she was not permitted to participate in the State Level Fair. She thereafter filed an appeal and the appellate authority permitted her to participate in the State Level Competition. It is stated that in the State Level Fair, she performed very well and secured 215 marks in the year 2013-2014 and 240 marks in the year 2014-2015 qualifying her to secure Grade A. Ext.P2 and Ext.P5 evidence the marks awarded to the candidates. Petitioner got 240 marks for the year 2014-

-:2:-

2015 which was the marks obtained by another A Grade holder in the District. Since the marks were equal, petitioner was entitled to get A Grade is the case put forward by the petitioner and she sought the following reliefs;

“(i) to declare that the petitioner is entitled to be awarded with ‘A grade’ in the State Level Science-Maths-Social science- Work Experience and IT fair in Fiber Work using natural Fiber for the academic years 2013-2014 and 2014-2015 and for consequential benefits.

(ii) to declare that the Clause (j) in page No.20 of Manual for Science-Maths-Social Science-Work Experience and IT fair as per Ext.P6 is illegal and arbitrary as it is in violation of Article 14 and set aside accordingly.

(iii) to issue such other reliefs that may be deemed fit and proper by the Hon’ble Court in the circumstances of this case.”

2. Learned Single Judge dismissed the writ petition relying upon the common judgment dated 8/4/2015 in W.P (C) No. 3894/15. Learned counsel for the appellant submits that since

-:3:-

the petitioner in the case has equal marks as that of another candidate who got A grade during the year 2014-2015, petitioner is also entitled for A grade. Ext.P5 is the document evidencing the same. In fact, this question has been decided by us in our judgment dated 13/1/15 in WA No.1843/14 arising from W.P (C) No. 29820/13. In that case, we have come to the conclusion that the students who participated under the order of the Court or appellate authority cannot be discriminated. In fact, the same view was taken by the learned single Judge in the judgment dated 8/4/2015 in W.P (C) No. 3894/15. Having regard to the aforesaid factual circumstances, we are of the opinion that since the petitioner has a case that she had obtained same marks as that of A grade holder for the particular item for the academic year 2014-15, the petitioner is also entitled to the said relief as well.

Accordingly, this appeal is disposed of setting aside the judgment of the learned single Judge and declaring that if the petitioner had obtained the same marks as that of the A grade

-:4:-

holder in the particular field in terms of Ext.P5, the petitioner will be entitled for A grade and necessary grace marks pursuant to the grant of A grade and appropriate orders shall be passed by the competent authority in that behalf, forthwith.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

//True Copy//

PA to Judge