

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WA.No. 1843 of 2014 () IN WP(C).29820/2013  
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AGAINST THE JUDGMENT IN WP(C) 29820/2013 of HIGH COURT OF  
KERALA DATED 30-07-2014

APPELLANT(S) :  
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1. THE SECRETARY TO GOVERNMENT  
GENERAL EDUCATION DEPARTMENT, SECRETARIAT  
THIRUVANANTHAPURAM.

2. DIRECTOR OF PUBLIC INSTRUCTIONS,  
D.P.I.JUNCTION, THIRUVANANTHAPURAM

3. DEPUTY DIRECTOR OF EDUCATION, KANNUR

BY GOVERNMENT PLEADER SRI.P.I. DAVIS

RESPONDENT(S) :  
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1. SANGEETH BALAKRISHNAN  
S/O.E.BALAKRISHNAN, NARAYANI NIVAS, KAYYODE PO  
KANNUR 670 621

2. PRINCIPAL  
RANI JAI HIGHER SECONDARY SCHOOL, NIRMALAGIRI  
KANNUR - 670 621

R1 BY ADV. SRI.R.SURENDRAN  
R BY SRI.D.AJITHKUMAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

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

.....  
W.A. No. 1843 of 2014  
.....

Dated this the 13<sup>th</sup> day of January, 2015.

JUDGMENT

*Ashok Bhushan, Ag.CJ*

Heard the learned Govt. Pleader appearing for the appellants as well as learned counsel appearing for respondents.

2. The Writ Appeal has been filed against judgment dated 30-07-2014 passed in W.P.C. No. 29820 of 2013.

3. The brief facts of the case are that the petitioner has participated in the Electrical Wiring item of District level Sasthrolsavam Programme, 2012 held in Kannur and got third place. Against his ranking, the petitioner filed appeal before the

third respondent. The appeal was allowed and the petitioner was permitted to take part in the State Level Competition. The petitioner and the second placed student in the District Level have secured equal marks in the State Level Competition. But the petitioner has been denied 'B grade' for the reason that he has not secured more marks than the second placed student from the same District. Reliance was placed in Clause (j) of Chapter 2 in page 20 of the guidelines in the Manual of State School Science Work Experience Fair. The learned single Judge has quoted the same clause which is to the following effect:

*“the student who participate at State level Competition by way of court order should obtain more marks than the marks obtained by the qualified participants from the same District at State Level Competition for being eligible for Grace marks, Grade and Certificates”.*

4. The learned Government Pleader submits that by subsequent amendment made in the year 2012, along with the court order, appellate order has also been included. Be that as it

may, a perusal of the guidelines indicate that any student who participates in the State Level Competition by way of court order or on the basis of an order of appellate authority, he should obtain more marks than the marks obtained by the qualified participant from the State Level Competition, for being eligible for grace mark, grade and certificate. Thus, there is a classification between the students who participate under the order of a Court or Appellate Authority and those students who participate without an order of Court or Appellate Authority. What is the rationale of the classification, is to be seen. There is no nexus with the object sought to be achieved and rationale of the classification. The learned Single Judge allowed the Writ Petition directing that the petitioner be also given the same treatment and be granted B grade as has been granted to the student getting equal marks. The learned Government Pleader submits that the Manual has not been challenged in the Writ Petition. The Manual is only a guideline and not a statutory provision. When the petitioner has prayed for quashing Ext. P6 by which the order

was passed by the Director of Public Instruction rejecting the claim of the petitioner relying on the said Manual the challenge to the Manual was implicit in the case. Further, in relief No. (iii) the Rule in the Manual of State School Science Work Experience Fair, 2009, was challenged. The condition of the said Manual was also under challenge. Thus, we see no substance in the submission of the learned Government Pleader that Manual was unchallenged. There being no valid classification between two classes of students, having the same marks, we are of the view that no error has been committed by the learned Single Judge.

Accordingly, this Writ Appeal is dismissed.

Sd/-ASHOK BHUSHAN ,  
Ag. CHIEF JUSTICE

Sd/- A.M.SHAFFIQUE,  
JUDGE

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P.S.toJudge