

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C).No. 24 of 2015 (C)

PETITIONER(S):

**XAVIER STALLONE, AGED 16 YEARS (MINOR),
S/O. BASIL, ELENJIKKAL HOUSE, HOUSE NO.1/1571B,
SOUTH THAMARAPARAMBU, FORT KOCHI,
REPRESENTED BY HER MOTHER AND LAWFUL GUARDIAN,
MRS. MERCY, W/O. BASIL, AGED 54, ELENJIKKAL HOUSE,
HOUSE NO.1/1571B, SOUTH THAMARAPARAMBU, FORT KOCHI.**

BY ADV. SRI.MANU ROY.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
DEPARTMENT OF EDUCATION, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE DEPUTY DIRECTOR OF EDUCATION,
ERNAKULAM DISTRICT.**

BY SR. GOVT. PLEADER SRI.K.C. VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 24 of 2015 (C)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1 TRUE COPY OF THE PARTICIPANT CARD.

EXHIBIT P2 TRUE COPY OF THE ORDER DATED 19-12-2014.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 24 of 2015

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Dated, this the 9^h day of January, 2015

JUDGMENT

The petitioner was a participant in 'Kuchippudi' and 'Bharathanatyam' held on 02.12.2014 in the Ernakulam District Youth Festival. Despite the alleged best performance put in by the petitioner in 'Bharathanatyam', he was not given the 1st prize and was not permitted to participate in the State Level Competition. In spite of filing appeal against the decision of the Judges, it came to be rejected as borne by Ext. P2; which made the petitioner to approach this Court by filing the present writ petition.

2. The learned counsel for the petitioner submits that though the events were actually scheduled to be commenced at 4.30 pm and 7.30 p.m. they were started only much later. It is stated that the petitioner's performance in Kuchippudy was over only by 1.30 a.m. on the next day and that the 'Bharatanatyam' competition started only at 2.00 am.

3. Heard the learned Government Pleader as well, who submits that the appeal submitted by the petitioner was considered with

reference to all the relevant facts and figures. It is pointed out that the first prize winner got 242 marks, whereas the petitioner could secure only 231 marks and there is substantial margin of 11 marks. Moreover, the contention with regard to the belated starting of the programme was not because of any fault of the organizers, but due to other reasons including the increase of 'appeal entrants'; and further that delay was equally applicable to all the participants.

4. Considering the facts and circumstances, this Court finds that there is no tenable ground. Interference is declined and the writ petition is dismissed.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd