

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WP(C).No. 780 of 2015 (V)

PETITIONER(S):

**VARSHA UNNI (MINOR),
AGED 14 YEARS, D/O. K.C.UNNIKRISHNAN,
REPRESENTED BY HER LEGAL GUARDIAN AND FATHER
K.C.UNNIKRISHNAN, S/O. PADMANABHAN NAMBIAR ,
'UPASANA', VELLAKKAD, KARIPAL P.O.,
CHAPPARAPADAVU VIA, KANNUR DISTRICT.**

BY ADV. SRI.O.V.MANIPRASAD.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM-695 001.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
KANNUR, OFFICE OF THE DEPUTY DIRECTOR
OF EDUCATION, KANNUR-670 001.**
- 4. THE GENERAL CONVENER,
KERALA STATE SCHOOL KALOTSAVAM 2014-15,
KOZHIKODE-673 001.**
- 5. THE CONVENER, PROGRAM COMMITTEE,
KERALA STATE SCHOOL KALOTSAVAM 2014-15,
KOZHIKODE-673 001.**
- 6. THE CONVENER, PROGRAM COMMITTEE,
KANNUR REVENUE DISTRICT SCHOOL KALOTSAVAM 2014-15,
GGHS, THALASSERY, THALASSERY P.O.,
KANNUR DISTRICT-670 101.**

BY SR. GOVT. PLEADER SRI.MUHAMMED SHAFI. M.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 : COPIES OF THE CERTIFICATES OBTAINED BY THE PETITIONER IN PAYYANNUR SUB DISTRICT KERALA SCHOOL KALOTSAVAM OF 2012-13 IN KERALA NATANAM, NADODI NRUTHAM AND BHARATANATYAM.
- P2 : A COPY OF THE CERTIFICATE OF MERIT ISSUED THE PETITIONER FOR SECURING A GRADE IN KERALA NATANAM IN KANNUR REVENUE DISTRICT KERALA SCHOOL KALOTSAVAM OF 2012-13.
- P3 : COPIES OF THE CERTIFICATES OBTAINED BY THE PETITIONER IN PAYYANNUR SUB DISTRICT KERALA SCHOOL KALOTSAVAM OF 2013-14 IN KERALA NATANAM, NADODI NRUTHAM AND AN MOHINIYATTAM.
- P4 : COPIES OF THE CERTIFICATES OF MERIT ISSUED TO THE PETITIONER IN THE KANNUR REVENUE DISTRICT KERALA SCHOOL KALOTSAVAM OF 2013-14 IN KERALA NATANAM, NADODI NRUTHAM AND MOHINIYATTAM.
- P5 : A COPY OF THE CERTIFICATE OF MERIT ISSUED TO THE PETITIONER FOR SECURING A GRADE IN KATHAKALI (GIRLS).
- P6 : A COPY OF THE PARTICIPANT'S CARD ISSUED TO THE PETITIONER.
- P7 : COPY OF THE APPEAL FEE RECEIPT ISSUED TO THE PETITIONER IN RESPECT OF KERALA NATANAM.
- P8 : COPY OF THE APPEAL FEE RECEIPT ISSUED TO THE PETITIONER IN RESPECT OF KATHAKALI (GIRLS).
- P9: COPY OF THE ORDER PASSED BY THE 3RD RESPONDENT REJECTING THE APPEAL IN RESPECT OF KERALA NATANAM.
- P10: COPY OF THE ORDER PASSED BY THE 3RD RESPONDENT REJECTING THE APPEAL IN RESPECT OF KATHAKALI (SINGLE).

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.780 of 2015

Dated this the 12th day of January, 2015

JUDGMENT

The petitioner was a participant for 'Kathakali' as well as 'Kerala Natanam' in the Kannur Revenue District School Kalolsavam. In spite of best performance offered by the petitioner, she was placed at 3rd place. Aggrieved of the same, the petitioner moved appellate committee by satisfying requisite fees. But the appeals came to be turned down and hence the writ petition.

2. The learned Government Pleader appearing on behalf of the respondents submits on instructions that, in respect of the item 'Kathakali', there is a substantial margin by way of 16 marks between the petitioner and the 1st prize winner. It is stated that, the performance was evaluated by duly competent, qualified and experienced persons and that marks have been awarded by the judges in a uniform pattern. This Court does not find any reason to interfere.

3. However, with regard to the item 'Kerala Natanam', it is

brought to the notice of this Court that, the main ground raised by the petitioner was as to the inadequacies of the stage and such other infrastructure. It is also pointed out that, raising almost similar ground, another contestant had preferred an appeal and that the said appeal has been allowed. A copy of the said order is also placed for consideration before this Court, from where it is seen that the slippery nature of the stage projected as a ground in the concerned appeal has been accepted by the appellate committee. Holding that there was substance in the appeal, the said appeal preferred by the aggrieved person was allowed. This Court finds that, the said reasoning is equally applicable in the case of the petitioner as well.

4. In the said circumstance, this Court finds that an opportunity has to be given to the petitioner herein to participate in the event 'Kerala Natanam' in the State Level Youth Festival, 2015 to be held at Kozhikode. The petitioner is provisionally permitted to participate in the said event and it shall be subject to the norms and guidelines as per the manual issued by the competent authority in this regard.

Petitioner shall produce a copy of this judgment, along with

a copy of the writ petition, before the concerned respondent, for further steps.

The writ petition is disposed of.

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

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