

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 1134 of 2015 (N)

PETITIONER(S):

**MINOR SURYA PRIMA V.M. AGED 16 YEARS
REPRESENTED BY FATHER AND GUARDIAN
P.MANOCHARAN, S/O.LATE SREEDHARAN NAIR
PACHAJANYAM, NANMINDA P.O, BALUSSERRY
KOZHIKODE - 673 614.**

**BY ADVS.SRI.A.BALAGOPALAN
SRI.A.RAJAGOPALAN
SRI.M.S.IMTHIYAZ AHAMMED
SRI.K.SANEESH KUMAR**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVT.
DEPARTMENT OF GENERAL EDUCATION
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS
THIRUVANANTHAPURAM.**
- 3. THE CONVENOR
55TH STATE SCHOOL KALOLSAVAM (2014 - 2015)
KOZHIKODE.**
- 4. CHAIRMAN
APPEAL COMMITTEE
KOZHIKODE REVENUE DISTRICTSCHOOL KALOLSAVAM 2014 - 2015
KOZHIKODE (DEPUTY DIRECTOR, EDUCATION, KOZHIKODE).**

BY SR. GOVERNMENT PLEADER B SRI.K.C.VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 1134 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: THE CERTIFICATE ISSUED BY THE DEPARTMENT GENERAL
EDUCATION, KERALA DATED 25.1.2014 .**
- EXT.P-2: TRUE COPY OF THE RECEIPT NO.181 DATED 30.12.2014 ISSUED BY
THE DEPUTY DIRECTOR (EDUCATION), KOZHIKODE.**
- EXT.P-3: TRUE COPY OF THE ORDER NO.C-2/20751/2014 (196) DATED 8.1.2015
PASSED BY THE 4TH RESPONDENT REJECTING THE PETITIONER'S
APPEAL AND RECEIVED BY THE PETITIONER ON 10.1.2015 .**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

STK

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 1134 of 2015

Dated this the 4th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “(a) Call for the records leading to Exhibit P3 order, scrutinize the same and quash the same by the issuance of a writ in the nature of certiorari or any other appropriate writ, order or direction;*
- (b) Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 3rd respondent to permit the petitioner to participate in the Kathaprasangam in State School Kalolsavam scheduled to be held from 15.01.2015 to 19.01.2015 at Kozhikode provisionally.”*

2. When the matter came up for consideration before this Court on 13.01.2015, the following order was passed:

“The learned counsel for the petitioner submits that the ground raised by the petitioner as to the defective sound system was the very same ground raised by the Team who was awarded 2nd prize and whose appeal has been allowed by the Appeal Committee. GP seeks for time to get instruction.

Post tomorrow.”

3. Subsequently, another order was passed on 14.01.2015 permitting the petitioner to participate in the event

on a provisional basis. The said order reads as follows:

“The learned Govt. Pleader points out that one of the three Judges has awarded better marks to the petitioner than the first prize winner while another Judge has awarded equal marks. It is also conceded that the appeal preferred by the second prize winner has already been allowed. The learned counsel for the petitioner points out that said appeal was on similar ground as raised by the petitioner.

After hearing both the sides, this court finds that a prima facie case has been made out by the petitioner.

In the said circumstances, there will be an interim order, as prayed for.

Post after two weeks.”

4. Today, the learned counsel for the petitioner submits that, pursuant to the interim order passed by this Court the petitioner could prove her credentials in the State Level Youth Festival and that she has come out in flying colours winning the 1st prize with 'A Grade'.

In the above circumstances, no further orders are necessary. The writ petition stands closed making the interim orders absolute.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE