

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 3740 of 2015 (N)

PETITIONER :

**KAVITHA,
W/O.PRADEEP, AGED YEARS
SAROVARAM HOUSE, MEMUNDA P.O.
VATAKARA-4, KOZHIKODE DISTRICT.**

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENTS :

- 1. SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. DIRECTOR OF PUBLIC INSTRUCTION,
D.P.I JUNCTION, THIRUVANANTHAPURAM, PIN - 695 001.**
- 3. DEPUTY DIRECTOR OF EDUCATION,
KOZHIKODE, PIN - 673 001.**

R1 TO R3 BY GOVT. PLEADER SRI. K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 3740 of 2015 (N)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1. TRUE COPY OF THE CERTIFICATE ISSUED TO THE SON OF THE PETITIONER DATED 20.01.2013.**
- EXHIBIT P2. TRUE COPY OF THE CERTIFICATE ISSUED TO THE SON OF THE PETITIONER.**
- EXHIBIT P3. TRUE COPY OF THE RELEVANT PAGE IN THE MANUAL.**
- EXHIBIT P4. TRUE COPY OF THE RELEVANT PAGE IN THE MANUAL.**
- EXHIBIT P5. TRUE COPY OF THE RECEIPT ISSUED TO THE SON OF THE PETITIONER BY THE 3RD RESPONDENT.**
- EXHIBIT P6. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE SON OF THE PETITIONER BEFORE THE MINISTER FOR EDUCATION.**
- EXHIBIT P7. TRUE COPY OF THE LETTER ISSUED BY M.L.A BEFORE THE MINISTER FOR EDUCATION DATED 11.01.15.**
- EXHIBIT P8. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

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W.P.(C)No.3740 OF 2015
.....

Dated this the 18th March, 2015

J U D G M E N T

The grievance of the petitioner is mainly with regard to the denial on the part of the concerned respondent in issuing A-Grade Certificate to the petitioner's son despite having obtained the requisite credentials by participating in the Revenue District Level Competition in the item -**Kavyakeli**.

2. The sequence of events shows that the son of the petitioner is a talented artist in the item **Kavyakeli** and participated in various competitions winning the title on many an occasion. Ext.P1 is the certificate obtaining A Grade while studying in 8th standard issued in connection with 53rd Kerala School Kalolsavam 2012-13, while Ext.P2 is the similar certificate issued in respect of the very same item while studying in Class -IX. In this year as well, the petitioner's son participated in the item Kavyakeli in the Revenue Sub District Level Kalolsavam, but was denied a chance to participate in the District Level competition. According to the petitioner, assessment of merit of his son was not proper and hence an appeal was filed. After

considering the same, the son was given a chance to participate in the District Level competition and it was accordingly that he participated in the Revenue District Level competition in the Kozhikode district and obtained A Grade.

3. The case of the petitioner is that by virtue of Clause 10.20 of Ext.P4 Manual if a student, while studying in standard 8 and 9, had obtained A Grade in the State Level, it is liable to be reckoned for the purpose of granting Grace Marks notwithstanding the fact that he did not or could not participate in the said event, while studying in 10th standard, subject to the condition that he has obtained A Grade in the Revenue District Level Competition. In the instant case, even though the petitioner's son could not participate in the State Level competition this year, in view of his participation in the Revenue District Level Competition, obtaining A grade, as disclosed from Exts.P1/P2 certificates in the State Level while studying in 8th/9th standard are liable to be reckoned for the purpose of granting Grace Marks. However, this benefit is denied to the petitioner's son stating that he could not obtain more marks than the candidate, who was otherwise selected to

participate in the Revenue District Level Competition and who came out successful in the Revenue Sub District Level.

4. The learned Counsel for the petitioner submits that such a clause as it exists in Ext.P3 Manual, particularly under Clause 11 is applicable only in the case of State Level Competition and the Manual in the case of Revenue District Level competition is something different , a copy of which has been produced as Ext.P4, wherein Clause 10.18 stipulates that certificate has to be given to all the candidates who obtained A Grade in Revenue District Level Competitions . To put it more clear, the necessity to obtain more marks than the duly selected candidate is conspicuously absent in the case of Revenue District Level competition as it is separately governed, as per Ext.P3.

5. Heard the learned Government Pleader as well, who points out that there is no factual dispute as to the applicability of relevant circulars. While Ext.P3 is in relation to State Level competition, Ext.P4 pertains to Revenue District Level Competition. This Court also finds substantial differences between the relevant clauses, particularly Clause 11 of Ext.P3 and Clause 10.18 of Ext.P4. No adverse condition/stipulation as contained in

Clause 11 of Ext.P3 does exist in so far as Ext.P4 is concerned, which is applicable to Revenue District Level Competition. Similarly, the position is made clear in Clause 12 of Ext.P3 applicable to the State Level Competition to the effect that in the case of a candidate, who was coming through appeal and participated in the State Level Competition, unless the score is improved above the score awarded/obtained by the candidates who came through normal channel, the Security Deposit of Rs.5000/- and Certificate will not be issued. Such a stipulation/Clause is absent, when it comes to Ext.P4 applicable to Revenue District Level Competition.

6. In the above circumstance, this Court finds that there is considerable force in the case projected by the petitioner . By virtue of satisfaction of the requirements under Ext.P4, the petitioner's son is entitled to succeed. This Court declares that it is not necessary for the petitioner's son, (though having participated in such an event, based on appeal preferred against the verdict passed in the Revenue Sub District Level competition), to have improved the score getting more marks than the candidate who came through normal channel and

participated in the District Level Competition . Since there is no dispute as to the securing of 'A Grade' level in the District Level Competition and since Clause 10.18 of Ext.P4 clearly states that all candidates who got 'A Grade' in the Revenue District Level Competitions shall be given the certificates, the petitioner's son is entitled to get the certificate. It is ordered accordingly. Necessary certificate shall be issued to the petitioner's son, at the earliest, at any rate, within one month from the date of receipt of a copy of the judgment .

7. In view of the mandate under Clause 10.20, since the petitioner's son has obtained 'A Grade' in the Revenue District Level competition and further since the petitioner's son was also awarded A Grade in the State Level for the very same item when studying in the 8th/9th standards, as evident from Exts.P1/P2, he is eligible to obtain 'Grace Marks' in terms of the said clause of Ext.P4. Appropriate steps shall be taken in this regard as well without further delay. The writ petition stands allowed. No cost.

P.R.RAMACHANDRA MENON
JUDGE