

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

WP(C).No. 35542 of 2014 (P)

PETITIONER :

**SHALU S.KUMAR AGED 46 YEARS
MINOR, AGED 17 YEARS, D/O SHAJI KUMAR
SHALU NIVAS, ERAM KARA, VADASSERIKARA VILLAGE
RANNI TALUK
REPRESENTED BY HIS NEXT FRIEND AND FATHER
SHAJI KUMAR, VASUKUTTY, SHALU NIVAS
ERAM KARA, VADASSERIKARA VILLAGE, RANNI TALUK.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S
SRI.RENJIT GEORGE
SMT ANJU MOHAN
SRI.S.K.SUJITH KRISHNA
SRI.S.VISHNU (ARIKKATTIL)**

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
DIRECTORATE OF PUBLIC INSTRUCTIONS, JAGATHI,
THIRUVANANTHAPURAM (GENERAL CO-ORDINATOR
KERALA SCHOOL KALOLSAVAM, 2014-2015) 695012.**
- 3. THE DISTRICT EDUCATION OFFICER,
PATHANAMTHITTA (CHAIRMAN
SUB DISTRICT LEVEL APPEAL COMMITTEE,
KERALA SCHOOL KALOLSAVAM, 2014-2015)689001.**
- 4. ASSISTANT EDUCATIONAL OFFICER
KONNY-689121.**

BY GOVERNMENT PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF RECEIPT OF APPEAL FEE IN CLASSICAL MUSIC-GIRLS HSS SECTION IN THE SUB-DISTRICT LEVEL KALOISAVAM.
- EXHIBIT P2: TRUE COPY OF RECEIPT OF APPEAL FEE IN LIGHT MUSIC - GIRLS HSS SECTION IN THE SUB-DISTRICT LEVEL KALOISAVAM.
- EXHIBIT P3: TRUE COPY OF RECEIPT OF APPEAL FEE IN MALAYALAM RECITATION - GIRLS HSS SECTION IN THE SUB-DISTRICT LEVEL KALOISAVAM.
- EXHIBIT P4: TRUE COPY OF RECEIPT OF APPEAL FEE IN THIRUVATHIRA GROUP DANCE - GIRLS HSS SECTION IN THE SUB-DISTRICT LEVEL KALOISAVAM.
- EXHIBIT P5: TRUE COPY OF LIST OF THE SUCCESSFUL APPEALS AND THE NAME OF THE APPELLANTS ELIGIBLE TO TAKE PART IN THE DISTRICT LEVEL KALOISAVAM.
- EXHIBIT P6: TRUE COPY OF ORDER NO.A3-13022/2014 DATED 20.12.2014 IN RESPECT OF THE APPEAL IN LIGHT MUSIC - GIRLS HSS SECTION IN THE SUB-DISTRICT LEVEL KALOISAVAM.
- EXHIBIT P7: TRUE COPY OF ORDER NO.A3-13022/2014 DATED 20.12.2014 IN RESPECT OF THE APPEAL IN CLASSICAL MUSIC - GIRLS HSS SECTION IN THE SUB-DISTRICT LEVEL KALOISAVAM.

RESPONDENT(S)' EXHIBITS

:

NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.35542 of 2014

Dated this the 5th day of January, 2015

JUDGMENT

The petitioner was a participant to four different items such as Malayalam recitation, Classical music, Light music, Thiruvathira (group) competitions in the Konni Sub-district Level Kerala School Kalolsavam, 2014-2015 held on 02.12.2013. On declaration of the result, the petitioner was awarded only second place with A Grade and hence she preferred appeals in respect of each item. After considering the appeals, two appeals were allowed and she was permitted to participate in the concerned items in the Revenue District Level Competition. The appeals in respect of 'Light music' and 'Classical music' came to be rejected, which made the petitioner to approach this Court by filing the writ petition.

2. The learned counsel for the petitioner points out that, the 'mike' was defective, which adversely affected the performance of the petitioner and this aspect has not been properly evaluated by the Appeal Committee.

3. The learned Government Pleader points out, on the basis

of the instructions and the materials on record, that there is absolutely no merit or bonafides in the writ petition. The appeals preferred by the petitioner were considered on merits and after considering the relevant aspects in respect of the concerned items, Exts.P3 and P4 appeals have been allowed. In the case of other two items, it was found that absolutely no mistake was there on the part of the Judging Committee; nor was there any defect, as alleged from the part of the petitioner with regard to the stage setting, providing necessary infrastructure. It is also brought to the notice of this Court that, in respect of 'Light music', the difference between the marks awarded to the first price winner and the petitioner is to an extent of 'twelve'; whereas it is 'eighteen' in respect of the 'Classical Music'. Absolutely no plea of malafides is levelled against the authorities concerned. This Court does not find any reason to interfere.

The writ petition is dismissed accordingly.

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

sp