

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 30TH DECEMBER 2009 / 9TH POUSHA 1931

WP(C).No. 37779 of 2009(N)

PETITIONER(S):

SREEDEVI V.S., AGED 15 YEARS,
XTH STANDARD STUDENT, HIGH SCHOOL FOR GIRLS,
PUNALUR, REPRESENTED BY HER GUARDIAN AND MOTHER
VALSALAKUMARY, AGED 52, D/O.K.NATESAN,
PRATHEESH VIHAR, PUNALUR, KOLLAM DISTRICT.

BY ADV. SRI.R.SURAJ KUMAR
SRI.N.AJITH

RESPONDENT(S):

1. STATE OF KERALA REPRESENTED BY
PRINCIPAL SECRETARY TO GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.
3. DEPUTY DIRECTOR OF EDUCATION,
KOLLAM.
4. DISTRICT EDUCATIONAL OFFICER,
PUNALUR.
5. ASSISTANT EDUCATIONAL OFFICER,
PUNALUR.

BY G.P. SRI. P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-12-2009 , THE COURT ON 30/12/2009 DELIVERED THE
FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C) No. 37779 of 2009

Dated this the 30th day of December, 2009

JUDGMENT

Having been relegated to the second place in the District School Youth Festival in the Veena recital competition, the petitioner has approached this Court seeking the following reliefs:-

- “i) to issue a writ of certiorari or any other writ, order or direction quashing Ext.P3;
- ii) to declare that the petitioner is qualified to participate in “Veena recital” Competition in the Kollam Revenue District School Youth Festival which commences on 31-12-2009 at Government Model Higher Secondary School, Kottarakkara;
- iii) to issue a writ of mandamus or any other writ order or direction to respondents 1 to 4 to permit petitioner to participate in “Veena Recital” competition in the Kollam Revenue District School Youth Festival which commences on 31-12-2009 at Government Model Higher Secondary School, Kottarakkara and
- vi) to such other reliefs that this Honourable Court may deem fit and proper in the nature and circumstances of the case”.

2. Petitioner contends that the entire procedure adopted by the respondents for award of marks as well as the disposal of the appeal filed by

her are against the guidelines prescribed for the same in the Manual governing the conduct of the Youth Festival. According to her, by Ext.P8, which is the extract from the Manual for conduct of School Youth Festival, for separate aspects of the performance of candidates, separate marks have been prescribed. She also points out that in the score sheet provided to the Judges, as evidenced by Ext.P5, score for each value points have to be separately given, but, as is clear from Exts.P4 to P7, score for each value points have not been given by the Judges for the contest and total marks only have been given, which is against the guidelines in the Manual itself. She further submits that as per the Manual, appeal filed by a candidate has to be disposed of within five days, which has not been done in this case. The petitioner, therefore, submits that in so far as the entire process has been against the guidelines of the Manual, the petitioner should also be permitted to participate in the District School Youth Festival.

3. Heard the learned Government Pleader also.

4. I am dismayed that the respondents have acted in an irresponsible manner in the conduct of the District Youth Festival, as is clear from Ext.P8. The Judges are bound to mark separate scores for each value points like “Nadam”, “Ragabhavam”, “Thalam” and the like in the score sheet. As

is evidenced from Exts.P4 to P7, which are copies of the score sheets, that has not been done. So also appeal has to be disposed of within five days, which also admittedly has not been done. Respondents must realize that guidelines are prescribed in for compliance and not for violating the same. In fact it is because of such irresponsible conduct of the respondents that these kinds of litigation arise. I am of the opinion that the respondents will do well, at least in future, to avoid such violation of the guidelines prescribed by themselves.

5. However, that is no ground to permit the petitioner to take part in the District Level School Youth Festival competition, which is restricted only to first prize winners in Sub District level competition. For permitting the petitioner, I have to assess the comparative merit between the petitioner and the winner. That winner is not made a party in this writ petition. Apart from that, although separate score for each value points have not been given, the total marks awarded to the first prize winner and the petitioner has a difference of 12 marks. I am unable to find that the petitioner, therefore, is eligible to participate in the District Level School Youth Festival competition only because of the irregularities committed by the respondents.

6. In the above circumstances, I do not find any merit in the writ petition. Accordingly, the writ petition is dismissed, subject to the above observations regarding the conduct of the School Youth Festival by the respondents at least in future.

S. SIRI JAGAN, JUDGE.

Mn.