

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

TUESDAY, THE 29TH DAY OF DECEMBER 2015/8TH POUSHA, 1937

WP(C).No. 40019 of 2015 (B)

PETITIONER:

ANN MARY J. AQUINA (MINOR), AGED 12 YEARS
VIITH STANDARD STUDENT
FATHIMA GIRLS HIGHER SECONDARY SCHOOL, FORT KOCHI
REPRESENTED BY HER MOTHER BEENA JOLLY, D/O. DAVID. P.D
PADINHATTUMURI, P.O. KUMBALANGI, KOCHI-7.

BY ADVS. SRI. K.C. SANTHOSH KUMAR
SMT. K.K. CHANDRALEKHA

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695001.
2. THE CHAIRMAN (ASSISTANT EDUCATION OFFICER),
SCHOOL LEVEL APPEAL COMMITTEE, MATTANCHERRY,
KOCHI- 682 002.
3. FATHIMA GIRLS HIGHER SECONDARY SCHOOL,
FORT KOCHI, REPRESENTED BY ITS HEADMISTRESS
FORT KOCHI-682 001.
4. GENERAL CONVENER,
SUB DISTRICT SCHOOL KALOLSAVAM
MAR BASIL HIGHER SECONDARY SCHOOL, KOTHAMANGALAM
ERNAKULAM DISTRICT.
5. THE DEPUTY DIRECTOR OF EDUCATION,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION
ERNAKULAM-682 011.

BY GOVERNMENT PLEADER SRI T.R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

- P1 TRUE COPY OF THE CERTIFICATE OF MERIT AWARDED TO THE PETITIONER IN ERNAKULAM REVENUE DISTRICT SCHOOL KALOLSAVAM 2014-2015
- P2 TRUE COPY OF CERTIFICATE OF MERIT ISSUED TO THE PETITIONER
- P3 TRUE COPY OF CERTIFICATE OF MERIT ISSUED TO THE PETITIONER
- P4 TRUE COPY OF ORDER DATED 21.12.2015
- P5 TRUE COPY OF THE RELEVANT PAGES OF THE KERALA SCHOOL KALOLSAVAM MANUAL.

RESPONDENT(S)' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE

dsn

ANIL K.NARENDRA, J

W.P.(C.)No.40019 Of 2015

DATED THIS THE 29th DAY OF DECEMBER, 2015

JUDGMENT

The petitioner, who is a 7th standard student in Fathima Girls High School, Fort Kochi, Ernakulam has filed this Writ Petition seeking a writ of certiorari to quash Ext.P4 order and seeking a writ of mandamus commanding respondents 2, 4 and 5 to permit her to participate in the item Bharathanatyam in Ernakulam Revenue District School Kalolsavam.

2. Heard arguments of the learned counsel for the petitioner and also the learned Government Pleader appearing for the respondents.

3. The pleadings and materials on record would show that the petitioner participated in the item 'Bharathanatyam' in Sub-District School Kalolsavam. But she could not secure first place. Aggrieved by the same, the petitioner submitted appeal before the Appeal Committee, which ended in dismissal by Ext.P4 order. A reading of Ext.P4 order would show that the main grievance raised by the petitioner in the appeal filed before the Appeal Committee was that the sound system provided in the stage was not properly functioning. If the aforesaid defect was there in the sound system it would have certainly affected the performance of other candidates as well. Further, as evident from Ext.P4, there is a difference of 48 marks between the petitioner and the person who

secured the first position.

4. The petitioner has no specific case of *malafides* against either the Judges or the Appeal Committee. When the experts in the field have assessed the performance of the participants and awarded marks, this Court will not be justified in interfering with such assessments made by them, in the absence of any vitiating circumstances.

5. The finding of fact made by the Appeal Committee in Exhibit P4 cannot be termed as either arbitrary or perverse warranting an interference of this Court under Article 226 of the Constitution of India.

I find absolutely no merit in this Writ petition and the same is dismissed.

Sd/-
ANIL K.NARENDRA,
JUDGE

dsn