

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

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

WP(C).No. 40038 of 2015 (D)  
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PETITIONER(S) :  
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MERIN THERAS JOLLY (MINOR) AGED 12 YEARS  
VTH STANDARD STUDENT,  
NIRMALA HIGHER SECONDARY SCHOOL, ALUVA  
REPRESENTED BY HER MOTHER BINDU, AGED 39 YEARS,  
W/O JOLLY FRANCIS, EDAMPADATH HOUSE,  
EDATHALA NORTH P.O, ALUVA

BY ADV. SRI.V.N.SUNIL KUMAR

RESPONDENT(S) :  
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1. STATE OF KERALA  
REPRESENTED BY SECRETARY TO GOVERNMENT, GENERAL EDUCATION  
DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM  
PIN-695001
2. THE CHAIRMAN (ASSISTANT EDUCATION OFFICER),  
SCHOOL LEVAL APPEAL COMMITTEE, ALUVA, 683101
3. NIRMALA HIGHER SECONDARY SCHOOL, ALUVA  
REPRESENTED BY HEADMISTRESS, ALUVA 683101
4. GENERAL CONVENER, REVENUE DISTRICT SCHOOL KALOISAVAM  
MAR BASIL HIGHER SECONDARY SCHOOL  
KOTHAMANGALAM, ERNAKULAM DISTRICT 686691
5. THE DEPUTY DIRECTOR OF EDUCATION,  
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,  
ERNAKULAM 682030

BY GOVERNMENT PLEADER SRI MOHEMED SAVAD

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

- EXHIBIT P1: TRUE COPY OF CERTIFICATE OF MERIT AWARDED TO THE PETITIONER IN A STATE LEVAL ARTS FESTIVAL IN BHARATHANATYAM.
- EXHIBIT P1(A) : TRUE COPY OF CERTIFICATE OF MERIT AWARDED TO THE PETITIONER IN A DISTRICT LEVAL ARTS FESTIVAL.
- EXHIBIT P2: TRUE COPY OF CERTIFICATE OF MERIT ISSUED AT THE ALUVA SUB-DISTRICT SCHOOL KALOLSAVAM IN BHARATHANATYAM.
- EXHIBIT P3: TRUE COPY OF THE REPORT GENERATED FROM INTERNET SHOWING KUCHIPUDI (UP GENERAL) RESULT OF ALUVA SUB DISTRICT KALOLSAVAM 2015-16 HELD AT GGHSS, ALUVA .
- EXHIBIT P4: TRUE COPY OF RECEIPT ISSUED TOWARDS ACKNOWLEDGMENT OF APPEAL FEES DATED 1/12/2015.
- EXHIBIT P5: TRUE COPY OF THE RESULTS OF APPEAL OBTAINED FROM THE SITE OF AEO ALUVA.
- EXHIBIT P6: TRUE COPY OF RELEVANT PAGES OF KERALA SCHOOL KALOLSAVAM MANUAL.

RESPONDENT(S) ' EXHIBITS NIL

//TRUE COPY//

P.A TO JUDGE

vdv

ANIL K NARENDRA, J.

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W.P(C)No.40038 of 2015

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Dated this the 29<sup>th</sup> day of December, 2015

JUDGMENT

The petitioner, who is a 5<sup>th</sup> standard student in Nirmala Higher Secondary School, has approached this Court in this writ petition aggrieved by the denial of an opportunity to participate in the item 'Kuchipudi' in the Ernakulam Revenue District School Kalolsavam scheduled to be held at Kothamangalam from 29.12.2015 to 01.01.2016.

2. I heard the 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 'Kuchipudi' in the Sub District School Kalolsavam held at Aluva on 01.12.2015. As evident from Ext.P3 report, the petitioner secured 224 marks whereas one Sandra Krishnan, who was placed first position, secured 244 marks. It is relying on Ext.P4 the petitioner is contending that against the judgment of the judging panel she filed an appeal before the Appeal Committee. Though the said

appeal was filed as early as on 01.12.2015, the same was disposed of much later, beyond the statutory period prescribed in Ext.P6 manual. The petitioner has also got a further grievance that she is yet to be served with a copy of the order passed by the Appeal Committee stating reason for rejection of her appeal.

4. The fact that there is a difference of 20 marks between the petitioner and the participant who secured first position is not in dispute. Though the petitioner would contend that she has filed appeal before the Appeal Committee raising several contentions, a copy of the appeal memorandum is not on record. Similarly, the order passed by the Appeal Committee is also not part of the record.

5.This Court in exercise of powers under Article 226 of the Constitution of India is not sitting in appeal over the decision taken by the appeal committee. The defects, if any, with regard to the stage, was equally applicable to all participants. The petitioner has no specific case of malafides against either the judges or the Appeal Committee. When experts in the field have assessed the performance of the participants and awarded marks, this Court will not be justified in interfering with such assessment

made by them, in the absence of any vitiating circumstances.

In the result, I find no ground to interfere with the action of the respondents in not permitting the petitioner to participate in the Ernakulam Revenue District School Kalolsavam scheduled to be held from 29.12.2015 to 01.01.2016.

Writ petition fails and the same is dismissed.

Sd/-  
**ANIL K NARENDRA**,  
JUDGE

vdv/30/12/15