

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

FRIDAY, THE 30TH DAY OF DECEMBER 2016/9TH POUSHA, 1938

WP(C) .No. 41504 of 2016 (K)

PETITIONER(S) :

ARYAPARVATHY S.NAIR
AGED 16 (MINOR) , D/O.SHANKARANKUTTY,
GOPI NIVAS, PULINCHODU.P.O., VAIKKOM,
REP. BY HER MOTHER AND LAWFUL GUARDIAN,
SMT.DEEPTHI SHANKAR, AGED 38, W/O.SANKARANKUTTY.

BY ADV. SRI.MANU ROY

RESPONDENT(S) :

1. DIRECTOR OF PUBLIC INSTRUCTIONS
DIRECTORATE OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM.
2. THE DEPUTY DIRECTOR OF EDUCATION
ERNAKULAM.682 011.

BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-12-2016, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 41504 of 2016 (K)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1 COPY OF THE G.O.-M.S.NO.338/2012/G.E.D.

EXHIBIT P2 COPY OF THE RECEIPT DATED 22.11.2016.

EXHIBIT P3 COPY OF THE ORDER DATED 26.12.2016.

RESPONDENT(S) ' EXHIBITS : NIL

//TRUE COPY//

P.A.TO JUDGE

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DEVAN RAMACHANDRAN, J.

W.P.(C).No.41504 of 2016

Dated this the 30th day of December, 2016

JUDGMENT

The petitioner seeks certain directions against the respondents to enable him to participate in the Revenue District level competition under the aegis of the School Kalolsavam even though he has not been found eligible for such participation on account of his performance at the Sub District level.

2. The petitioner has made several allegations against the manner in which the competitions were conducted in the Sub District level and alleges that the assessment of his performance has been done incompetently or in a manner that was not in consonance with the applicable Rules and Regulations.

3. I notice that the School Kalolsavam is being held, conducted and proceeded under the Kalolsavam Manual which provides a complete code as to the manner in which the competitions are to be held. The mode and modality of disputed resolution are also specifically obtained in the Manual.

4. I have examined the grievance of the petitioner.

There is no doubt that he made several allegations which are all within the domain of the contested questions of fact, which this Court, acting under Article 226 of the Constitution, is incompetent and is impaired from dwelling into or considering. All that this Court can examine, is as to whether the provisions of the Manual has been followed by the authorities in its letter and spirit. This Court can do any more. It is now firmly settled without the requirement of any further restatement that when certain things are left in the wisdom of the experts and is to be performed by them in a manner prescribed, this Court cannot substitute its wisdom, even though this Court may have difference of opinion in the view of such experts.

5. In the case at hand, the petitioner has secured second rank in the Sub District level competition of the Kalolsavam. She asserts that she missed the first rank by a single mark. She says that, therefore, she had made an appeal before the Appellate Committee as early as on 22.11.2016 and the same was disposed of only on 26.12.2016. The order shown as Ext.P3 in the writ petition is the order of the Appellate Committee.

6. Learned Government Pleader would submit that the allegations made by the petitioner against the conduct of the

Kalolsavam and the judging is completely baseless and without any reason. She says that it is obvious from the orders that the petitioner had been able to secure only the second rank and that, therefore, she is not entitled to compete in the District level competition.

7. I have examined Ext.P3. It is obvious therefrom that the petitioner has missed the first rank by a mere one mark. It is also obvious that it is not a unanimous decision of the Judges but one of them had found that the petitioner requires to be ranked above the first rank holder. It is therefore clear that the petitioner is extremely accomplished and deserving of an opportunity of taking part in the next level of the competition.

In such circumstances, I direct the second respondent to permit the petitioner to take part in the District level School Kalolsavam in Kuchippudy, commencing on 03.01.2017. No further orders are required in this writ petition and it is ordered as above.

sd/-
DEVAN RAMACHANDRAN
JUDGE