

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. 41505 of 2016 (K)

PETITIONER(S) :

GUARDIAN, AISWARYA LEKSHMI
AGED 17 (MINOR), D/O.UNNIKRISHNAN, POONTHOPPIL HOUSE,
KALAVOOR PO, ALAPPUZHA, REP. BY HER FATHER AND LAWFUL
UNNIKRISHNAN, AGED 50, S/O.RAGHAVAN.

BY ADVS.SRI.MANU ROY
SMT.K.N.BINDU

RESPONDENT(S) :

1. DIRECTOR OF PUBLIC INSTRUCTIONS
DIRECTORATE OF PUBLIC INSTRUCTIONS, JAGATHY,
THIRUVANANTHAPURAM.
2. THE DISTRICT EDUCATIONAL OFFICER
CHERTHALA.

BY GOVERNMENT PLEADER SMT.VINEETHA HARIRAJ

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. 41505 of 2016 (K)

APPENDIX

PETITIONER(S) ' EXHIBITS

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

P2 COPY OF THE APPEAL MEMORANDUM DATED 30.11.2016

P3 COPY OF THE ORDER DATED 23.12.2016

RESPONDENT(S) ' EXHIBITS: N I L

//TRUE COPY//

PA TO JUDGE

DEVAN RAMACHANDRAN, J.

W.P.(C).No.41505 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 this case, the petitioner alleges that she missed the first place by two marks and that she has been placed only third in the Sub District level. She alleges that the stage was unstable and she was not able to hear the music properly due to defects in acoustics. On these allegations, she had preferred an appeal before the Appellate Committee. It appears that the Appellate Committee considered the appeal on 23.12.2016 and rejected it as per Ext.P3 order.

6. Learned Government Pleader appearing on behalf of the respondents would submit assertively that the allegations made by the petitioner are completely trivial and which does not deserve deeper consideration. However, it is not controverted that the performance had not been videographed and that the appellate committee could not have therefore assessed the performance of the petitioner independently.

7. It is obvious that the petitioner is also an accomplished dancer. She seems to have missed the second place by two marks and that too perhaps on account of the circumstances that she has listed in the appeal. I do not deem it necessary to go into the validity or otherwise of the allegations made by her in the appeal. I have noticed that since her performance had not been videographed at the Sub District level, it could not have been possible for the Appellate Committee to assess her performance independently. I, therefore, deem it necessary that the petitioner be given one more opportunity to prove her excellence in the next level.

In such circumstances, I direct the second respondent to permit the petitioner to participate in the District level School

Kalolsavam in Bharatanatyam, commencing on 03.01.2017. No further orders are required in this writ petition and it is ordered as above.

JV

sd/-
DEVAN RAMACHANDRAN
JUDGE