

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

FRIDAY, THE 30TH DAY OF DECEMBER 2022 / 9TH POUSHA, 1944

WP(C) NO. 40761 OF 2022

PETITIONER/S:

VISHNU PRIYA S. (MINOR), AGED 16 YEARS
REPRESENTED BY HER GUARDIAN, SUBHA K, W/O. VASUDEVAN K,
AGED 47 YEARS, PUTHENPURAYIL HOUSE, PUTHIYAVILA P.O,
ALAPPUZHA DISTRICT-690531.

BY ADVS.

K.M.JAMALUDHEEN

LATHA PRABHAKARAN

RESPONDENT/S:

- 1 THE CHAIRMAN, ORGANIZING COMMITTEE, STATE SCHOOL
KALOLSAVAM, KOZHIKODE-673001.
- 2 THE CHAIRMAN,
APPEAL COMMITTEE, ALAPPUZHA DISTRICT SCHOOL YOUTH
FESTIVAL/ DEPUTY DIRECTOR OF EDUCATION, ALAPPUZHA,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
COLLECTORATE JUNCTION, COLLECTORATE P.O, ALAPPUZHA-
688001.

BY SMT.ANIMA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.12.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of December 2022

The petitioner was a participant in 'Kuchuppudi' Dance competition in the District School Kalolsavam of Alappuzha District. The petitioner lost first prize by four marks.

2. The petitioner contends that the carpet on the stage was not properly laid which has adversely affected the performance of the petitioner. Though the petitioner has raised the said allegation, the Appeal Committee did not properly appreciate the arguments of the petitioner.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader.

4. This Court in judgment in W.P.(C)No.40794 of 2022 and connected cases has held that while assessing the performance in School Kalolsavam, this Court cannot go into the issue of award of marks and infrastructural facilities. This is a matter of

fact adjudication, which this Court is not competent to exercise its power under Article 226 of the Constitution of India.

5. I have gone through Ext.P5 appellate order of the Appeal Committee. The Appeal Committee has adverted to all the arguments raised by the petitioner in the appeal and has passed Ext.P5 order. The petitioner's case is that Ext.P5 is not a speaking order. Taking into consideration the time line within which the Appellate Committee has to pass orders on appeals, I do not find that Ext.P5 is illegal in any manner.

The writ petition fails and it is accordingly dismissed.

Sd/ -

N . NAGARESH

JUDGE

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30.12.2022

APPENDIX OF WP(C) 40761/2022

PETITIONER EXHIBITS

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| Exhibit P1 | TRUE COPY OF THE LIST OF WINNERS FOR SUB DISTRICT, KAYAMKULAM FOR BHARATANATYAM FOR 2022-2023. |
| Exhibit P2 | TRUE COPY OF THE LIST OF WINNERS FOR SUB DISTRICT, KAYAMKULAM FOR MOHINIYATTAM FOR 2022 -2023. |
| Exhibit P3 | TRUE COPY OF THE LIST OF WINNERS FOR SUB DISTRICT, KAYAMKULAM FOR KUCHUPPUDI FOR 2022-2023. |
| Exhibit P4 | TRUE COPY OF THE PARTICIPANT CARD OF THE PETITIONER SHOWING THE REGISTRATION NUMBER. |
| Exhibit P5 | TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 7-12-2022 REJECTING THE APPEAL. |