

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. 41524 OF 2022

PETITIONER

KRISHNA PRIYA

AGED 15 YEARS

(MINOR), D/O VANDANA.U., REPRESENTED BY HER GRANDMOTHER,
USHA RANI, AGED 66 YEARS, W/O VIPIN VIJAYAN, SOWBHAGHYA
THEKKEKARA, KIZHAKKU PALLIPPAD, THIRUVANANTHAPURAM,
PIN 695 564.

BY ADV K.RAJESH KANNAN

RESPONDENTS:

- 1 DIRECTOR OF GENERAL EDUCATION,
O/O THE DIRECTOR OF GENERAL EDUCATION, JAGATHY,
THIRUVANANTHAPURAM-695 014.
- 2 KALOLSAVAM COMMITTEE CONVENER,
ADDITIONAL DIRECTOR OF GENERAL EDUCATION,
O/O THE ADDITIONAL DIRECTOR OF GENERAL EDUCATION,
JAGATHY, THIRUVANANTHAPURAM-695 014.
- 3 DISTRICT EDUCATION OFFICER,
O/O THE DISTRICT EDUCATION OFFICER, STATUE, PALAYAM
THIRUVANANTHAPURAM-695 001.
- 4 CHAIRMAN
APPEAL COMMITTEE, DEPUTY DIRECTOR OF EDUCATION, O/O THE
DEPUTY DIRECTOR OF EDUCATION. THIRUVANANTHAPURAM-695 036.

GP V.S SREEJITH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.12.2022, ALONG WITH WP(C).41722/2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

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. 41722 OF 2022

PETITIONER

KRISHNA PRIYA V
AGED 15 YEARS
D/O. VANDHANA V., REPRESENTED BY HER MOTHER
VANDHANA V, D/O.USHA VIJAYAN, SOWBHAGYA,
PALLIPPAD, ALAPPUZHA - 690 512
BY ADVS.
ESM.KABEER
C.SHEEBA(K/273/2012)\

RESPONDENTS:

- 1 THE GENERAL CONVENER
DEPUTY DIRECTOR OF EDUCATION,
THIRUVANANTHAPURAM-695 023
- 2 THE CHAIRMAN,
DISTRICT LEVEL APPELLATE COMMITTEE,
THIRUVANANTHAPURAM-695 023

GP V.S SREEJITH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 30.12.2022, ALONG WITH WP(C).41524/2022, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of December, 2022

The petitioner in both these writ petitions participated in the District School Kalolsavam of Thirvananthapuram District in 'Bharatanatyam' and 'Keralanadanam'. The petitioner could not get the first prize in the both the items. Aggrieved, the petitioner is before this Court.

2. As regards the competition in 'Bharatanatyam', the petitioner would submit that the carpets were not laid properly in the stage. After every event, the Stage Manager is expected to ensure proper laying of carpet, which was not done. This has seriously affected the performance of the petitioner. Counsel for the petitioner further argued that inspite of request, the Appellate Committee did not peruse the video recording and properly appreciated the grounds urged by the petitioner in appeal.

3. Counsel for the petitioner would further submit that in Bharatanatyam as well as Keralanadanam events, though the petitioner filed appeals, the petitioner's appeals were rejected. At the same time, in both these items the appeals preferred by two candidates, who were born twins and who ranked No.6, were allowed. This would show that there is favouritism playing in the field.

4. As regards the Keralanadanam event, counsel for the petitioner urged that the judges who put marks in the event were experts in Bharatanatyam. They had no basic knowledge of Keralanadanam. Therefore, they are not competent to assess the comparative merits of the performance of Keralanadanam teams.

5. Counsel for the petitioner further pointed out that the appeal filed by the petitioner as regards Keralanadanam was rejected on the ground that during the performance the petitioner showed stiffness. Counsel for the petitioner would

urge that the Appeal Committee had no basic knowledge of Keralanadanam as the stiffness is a requirement in the performance of Keralanadanam. In view of the above, the orders in appeals impugned in these writ petitions are liable to be set aside, contended the counsel for the petitioner.

6. Heard.

7. The prime grievance projected in the competition relating to Bharatanatyam is that the carpet was not properly and neatly laid on the stage, which adversely affected the petitioner's performance. This Court in the judgment in W.P.(C) No.40794 of 2022 and connected cases has held that the standard or drawbacks of infrastructure cannot be a reason for this Court to interfere in the awarding of marks. This Court held that this is primarily an area of question of fact and this Court is not equipped to adjudicate in such matters. The petitioner alleges that the video of the performance of Bharatanatyam was not perused by the Appeal Committee. I find that the

Appeal Committee need not invariably watch the video performance of the candidates in all appeals. Only when the petitioner makes out a *prima facie* case or when circumstances so warrant, the Appeal Committee need to view the video recordings. In respect of Bharatanatyam event, the petitioner has not made up a *prima facie* case.

8. As regards the Keralanadanam event, the allegation is that judges are not qualified as their expertise was in the field of Bharatanatyam. In school festivals, the judges are decided on the basis of a laid down criteria. The Keralanadanam as well as Bharatanatyam are dance events. Merely because a person is expert in one form of dance will not by itself indicate that he is not fit to judge other forms of dance.

9. The further allegation of the petitioner is that in both the items, appeals filed by two candidates who stood at 6th place and who were twins, have been allowed and they were

permitted to participate in the State Kalolsavam. Merely because two students, who are twins participated in different dance items and their appeals have been allowed, by itself would not indicate any bias, *mala fide* or favouritism without there being anything more to establish bias, malafide and favouritism.

In view of the above, I find no merit in these writ petitions. Accordingly, the writ petitions are dismissed.

sd/-

N.NAGARESH
JUDGE

hnh

APPENDIX OF WP(C) 41524/2022

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE ORDER NO.C4/750581/2022 DATED 06.12.2022 BY THE 4TH RESPONDENT.
Exhibit P2	TRUE COPY OF THE JUDGMENT DATED 23.11.2022 IN WPC NO.37557/2022 ON THE FILE OF THE HONOURABLE HIGH COURT OF KERALA.

APPENDIX OF WP(C) 41722/2022

PETITIONER EXHIBITS

**Exhibit P1 TRUE PHOTOCOPY OF THE ORDER PASSED IN
THE APPEAL DATED 06.12.2022**

**Exhibit P2 TRUE PHOTOCOPY OF THE RESULT HS GENERAL
OF THE PETITIONER CODE NO.283**