

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE S.SIRI JAGAN

THURSDAY, THE 19TH DAY OF JANUARY 2012/29TH POUSHA 1933

WPC.No. 1637 of 2012 (D)  
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PETITIONER(S):  
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MALAVIKA M.S.,  
AGED 16 YEARS, D/O.V.SHAJI, 518B,  
MALAVILA NILAYAM, NEAR FCI, KAZHAKKUTOM P.O.,  
REPRESENTED BY HER FATHER SHAJI.

BY ADV. SRI.C.A.ANOOP

RESPONDENT(S):  
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1. THE PROGRAMME COMMITTEE CONVENER,  
KERALA STATE SCHOOL KALOLSAVAM 2011-12, THRISSUR,  
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,  
THRISSUR-680 001.
2. DEPUTY DIRECTOR OF EDUCATION,  
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,  
THRISSUR-680 001.
3. THE PROGRAMME COMMITTEE CONVENER,  
THIRUVANANTHAPURAM REVENUE DISTRICT  
SCHOOL KALOLSAVAM 2011-12,  
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,  
KILLIPALAM, THIRUVANANTHAPURAM-695 001.

BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 19-01-2012, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

sts

**WP(C)NO.1637/2012**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

- P1 COPY OF THE RECEIPT DATED 4/1/2012 ISSUED BY THE 3RD RESPONDENT TOWARDS REMITTANCE OF FEE.**
- P2 COPY OF THE ORDERNO.C4/19497/11(27) DATED 12/1/2012 PASSED BY THE APPEAL COMMITTEE.**
- P3 COPY OF THE CERTIFICATES OBTAINED IN PREVIOUS YEARS BY PETITIONER AND HER TEAM MEMBERS, MARY TESSY.T. AND RANJANA S.NAIR.**

**RESPONDENT'S EXHIBITS: NIL**

**S. SIRI JAGAN, J.**

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**W.P.(C)No. 1637 of 2012**  
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**Dated this the 19<sup>th</sup> day of January, 2012**

**J U D G M E N T**

The petitioner's team participated in the 'Thiruvathira Kali' event of the Thrissur District School Kalolsavam this year. The petitioner's team secured only the 2<sup>nd</sup> place, though with 'A' grade. According to the petitioner, this happened only because the mike started functioning only after the 'Ganapathi Sthuthi' was over. The petitioner filed an appeal which was rejected by Ext.P2. The petitioner seeks the following reliefs:

- “(i) issue a writ in the nature of mandamus or any other appropriate writ, order or direction directing the respondents to admit the petitioner's team to participate in the Thiruvathira - HSS competition in the State level Kerala School Kalolsavam 2011-2012 scheduled to be held from 16.1.2012 onwards at Thrissur.”

The question as to whether the mike stopped functioning itself is a question of fact. I have no way to decide that question on the basis of affidavits alone especially in view of the very short time available before the State level competitions, to participate in which the

petitioner has filed this writ petition. These are all matters which should be left to the best judgment of the experts on the spot. In the above circumstances, I am not inclined to exercise my discretionary jurisdiction in favour of the petitioner and accordingly the writ petition is dismissed.

Sd/-

S. SIRI JAGAN  
JUDGE

//True copy//

P.A. TO JUDGE

shg/