

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

WEDNESDAY, THE 3RD DAY OF JANUARY 2024 / 13TH POUSHA, 1945

WP(C) NO. 43410 OF 2023

PETITIONER:

ADHITHYAN S. (MINOR), AGED 15 YEARS
REPRESENTED BY HIS FATHER SANTHOSH KUMAR T.,
KARIPPOLIL HOUSE, KIZHAKKETHARA, ADINAD SOUTH,
KATTILKADAVU P.O, KARUNAGAPALLY, KOLLAM DISTRICT.,
PIN - 690542

BY ADV MANEESH NARAYANAN

RESPONDENTS:

- 1 THE CONVENOR, PROGRAMME COMMITTEE KOLLAM DISTRICT
SCHOOL KALOLSAVAM 2023-24, S.N.M.H.S.S ELAMPALLOOR,
KUNDARA P.O, KOLLAM., PIN - 691501
- 2 THE CHAIRMAN, APPEAL COMMITTEE KOLLAM DISTRICT SCHOOL
KALOLSAVAM 2023-24, S.N.M.H.S.S ELAMPALLOOR, KUNDARA
P.O, KOLLAM., PIN - 691501
- 3 THE CONVENOR, PROGRAM COMMITTEE, 62ND KERALA SCHOOL
KALOLSAVAM, ASHRAMAM GROUND (MAIN STAGE), ASHRAMAM
P.O., KOLLAM., PIN - 691002

SRI.SUNIL KUMAR KURIAKOSE - GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner says that he and his team participated in the Revenue District Kerala School Kalolsavam 2023-24 in a particular event, but was adjudged only rank No.4. He affirms that, as per the Manual applicable to the event in question, only the first rank holder would obtain the opportunity of moving to the next level of competition, namely the Kerala State School Kalolsavam 2023-24; and therefore, that he preferred a statutory appeal against the result before the competent Appellate Authority, which, however, has culminated in Ext.P2 order. The petitioner asserts that Ext.P2 is illegal and unlawful because, it cites no reason for the rejection of his appeal.

2. In response to the afore submissions of Sri.Maneesh Narayanan – learned counsel for the petitioner, Sri.Sunil Kumar Kuriakose – learned Government Pleader, submitted that Ext.P2 contains specific reasons why the appeal of the petitioner was found to be undeserving; and that this is manifest from its contents. He added that, in any event, it has now been well established, through the judgment of this Court in **Devna Sumesh v. State of Kerala** [2022 KHC OnLine 8081], that once the statutory appeal is rejected, the competence of

this Court to act under Article 226 of the Constitution of India is severely attenuated, since it would involve assessment of factual and other relevant criteria, which cannot be done while acting under writ jurisdiction.

3. I have examined Ext.P2 and I must say that there is force in the afore submissions of Sri.Sunil Kumar Kuriakose.

4. This is because, Ext.P2 luculently records that the technical objections raised by the petitioner for his team's performance to be affected at the Revenue District Kerala School Kalolsavam, were found not tenable, or not discernible from the video recording. The statutory Appellate Committee could have done nothing more than to have heard the petitioner and to have examined the video recording; and it is in their expertise and wisdom to assess it in the manner as is legally appropriate. When the Committee takes the view that the objections raised by the petitioner are not tenable, it would not be possible to substitute their wisdom, with that of this Court.

In the afore circumstances, this writ petition is dismissed.

Sd/- DEVAN RAMACHANDRAN

JUDGE

stu

APPENDIX OF WP(C) 43410/2023

PETITIONER EXHIBITS

- | | |
|------------|---|
| Exhibit P1 | COPY OF THE PRIZE CERTIFICATE OF PETITIONER AND HIS TEAM IN STATE SCHOOL KALOLSAVAM. |
| Exhibit P2 | COPY OF THE ORDER NO. C2/3206/2023 DATED 13.12.2023 OF THE 2ND RESPONDENT. |
| Exhibit P3 | THE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE DDE DATED 24/11/2023. |
| Exhibit P4 | COPY OF THE APPLICATION OF PTA PRESIDENT OF A.V.G.H.S. SCHOOL, THAZHAVA PLACED AN APPLICATION BEFORE THE DDE, KOLLAM. |