

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

WEDNESDAY, THE 10TH DAY OF JANUARY 2024 / 20TH POUSHA, 1945

WP(C) NO. 43504 OF 2023

PETITIONER:

FIDHA FATHIMA

AGED 15 YEARS

D/O FAISAL J, PULINTHARAYIL HOUSE, WEST GATE, VAIKKOM,
VAIKKOM VILLAGE- 686141, REPRESENTED BY HER FATHER AND
GUARDIAN, FAISAL J, PULINTHARAYIL HOUSE, WEST GATE,
VAIKKOM, VAIKKOM VILLAGE., PIN - 686141

BY ADVS.

P.M.RAFEEK

SARA JOHN

RESPONDENTS:

- 1 STATE OF KERALA
DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT,
THIRUVANANTHAPURAM-695001,
REPRESENTED BY GOVERNMENT PLEADER, HIGH COURT OF
KERALA., PIN - 682031
- 2 GENERAL CO-ORDINATOR/CONVENOR
DIRECTOR OF PUBLIC INSTRUCTIONS, STATE LEVEL SCHOOL
KALOLSAVAM 2023-2024, JAGATHI, THIRUVANANTHAPURAM.,
PIN - 695014
- 3 GENERAL CONVENER (DEPUTY DIRECTOR OF EDUCATION)
KOTTAYAM REVENUE DISTRICT LEVEL KERALA SCHOOL
KALOLSAVAM 2023-2024, KOTTAYAM, PIN - 686001
- 4 CHAIRMAN
APPEAL COMMITTEE, KOTTAYAM REVENUE DISTRICT LEVEL
KALOLSAVAM 2023-2024, KOTTAYAM, PIN - 686001

BY SRI. SUNIL K.KURIAKOSE, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner says that she participated in an event in the 'District School Kalolsavam', but was not awarded the First Rank; thus denying her the opportunity of moving to the next level, namely the 'State Kalolsavam', which has now been completed.

2. The petitioner asserts that the results of the 'District Level Kalolsavam' were egregiously improper and therefore, that she preferred an Appeal before the Statutory Appellate Committee, as is provided under the Manual relating to the 'Revenue District Kalolsavam'; but that the said Committee has rejected it, through the impugned order, without citing tenable reasons, but on hyper technical grounds.

3. The petitioner, therefore, prays that the impugned order be set aside and that she be allowed to participate in the 'Kerala State School Kalolsavam'.

4. Hearing the learned counsel for the petitioner in this case, at the time when this matter was considered for admission and advertng to the allegations and assertions made and contentions impelled, this Court passed an interim order, allowing the petitioner to participate in the 'State Kalolsavam', however, clarifying that it will only be provisional. It was also made clear in the said order that, if the petitioner is to obtain Rank Nos.1, 2 or 3, same shall be declared only after obtaining orders from this Court.

5. The 'State School Kalolsavam' was completed on 08.01.2024 and this Court is now told that the petitioner has not obtained any of

the first three ranks; and that all results have been declared, with the Kannur District being adjudged the Cup Winner.

6. Obviously, therefore, all which now remains is to consider whether the petitioner is entitled to the benefit of any grace marks that she may obtain through her performance, pursuant to the interim order of this Court.

7. Though, as I have already said above, the interim order clearly provided that the performance of the petitioner would be provisional, I am of the view that since she has performed, any resultant benefit that can inure to her, ought not to be denied. This is because, the best that the petitioner would obtain is only grace marks, depending upon whether she has obtained 'A Grade' or otherwise; and I do not think that it will be justified for this Court to deny that to the contestant, solely for the

reason that her Appeal had been dismissed at the 'Revenue District School Kalolsavam' level. The interim order by this Court was issued after due thought and finding a *prima facie* case in favour of the petitioner; but since she has not been able to obtain the first of the three ranks, I am of the firm view that it would not be necessary for this Court to enter into the merits of any other rival contentions.

8. Obviously, therefore, all which this Court has to now do is to confirm the interim order, so that the petitioner would obtain all collateral benefits entitled, based on her performance in the 'State Level Kalolsavam'.

In the afore circumstances, this Writ Petition is disposed of, confirming the interim order granted by this Court earlier and directing the Authorities to grant all benefits that may be entitled to the petitioner, if any,

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based on her performance, as per law.

SD/-

DEVAN RAMACHANDRAN

JUDGE

DCS

APPENDIX

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE BROCHURE PUBLISHED IN CONNECTION WITH THE RELEASE OF THE MUSICAL ALBUM(DATED NIL)
- EXHIBIT P2 TRUE COPY OF THE CERTIFICATES OBTAINED IN SUB DISTRICT KALOLSAVAM WHILE THE PETITIONER WAS IN CLASS III DATED 7/12/2016.
- EXHIBIT P3 TRUE COPY OF THE CERTIFICATES OBTAINED IN SUB DISTRICT KALOLSAVAM WHILE SHE WAS IN CLASS IV DATED 8/11/2017.
- EXHIBIT P4 TRUE COPY OF THE CERTIFICATE IN SUB DISTRICT WHILE SHE WAS IN CLASS VI IN SHASTHREEYA SANGEETHAM, LALITHA GANAM, DHESHA BHAKTHI GANAM IN THE MONTH OF OCTOBER 2019.
- EXHIBIT P5 TRUE COPY OF THE CERTIFICATE IN SUB-DISTRICT LEVEL IN CLASS 9 IN SASTHREEYA SANGEETHAM, LALITHA GANAM, DHESHABHAKTHI GANAM DATED 23/11/2022.
- EXHIBIT P6 TRUE COPY OF THE CERTIFICATE ISSUED FOR THE VICTORY IN DISTRICT LEVEL IN MAPPILAPPATTU AND SASTHREEYA SANGEETHAM IN THE MONTH OF DECEMBER 2022.
- EXHIBIT P7 NEWS IN THE NEWSPAPERS' REGARDING THE PERFORMANCE OF THE PETITIONER IN KALOLSAVAM AND IN PUBLIC STAGES IN VARIOUS DATES.
- EXHIBIT P8 TRUE COPY OF THE PARTICIPANT'S CARD ISSUED BY THE STATE SCHOOL KALOLSAVAM AUTHORITIES (DATED NIL)

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- EXHIBIT P9 TRUE COPY OF THE RESULT PUBLISHED IN
THE OFFICIAL WEBSITE OF SCHOOL
KALOLSAVAM EVIDENCING HER VICTORY IN
SHASTRIYA SANGEETHAM AT DISTRICT LEVEL
IN THE YEAR 2023.
- EXHIBIT P10 TRUE COPY OF THE MARKS CARD SHOWING
THE RESULT OF THE MAPPILAPATTU
COMPETITION IN THE YEAR 2023 RECEIVED
AS PER RIGHT TO INFORMATION DATED
15/12/2023.
- EXHIBIT P11 TRUE COPY OF THE ORDER NO. C3/6225/
(78)/2023 DATED 27/11/2023 ISSUED BY
THE 4TH RESPONDENT DISMISSING THE
APPEAL.