

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 9TH DAY OF JANUARY 2024 / 19TH POUSHA, 1945

WP(C) NO. 44187 OF 2023

PETITIONER:

JAGATHPRIYA.P (MINOR) REP BY MOTHER SHEEBA.P.K
AGED 16 YEARS, D/O. PRABHAKARAN.K.K, 11TH STANDARD,
RGMHSS, MOKERY, KANNUR DISTRICT-670 692. MINOR,
REP BY HIS MOTHER AND NATURAL GUARDIAN SHEEBA.P.K,
W/O.PRABHAKARAN.K.K, AGED 57 YEARS, KUTTIKKATTIL
(HO), CHAMBAD (PO), THALASSERY, KANNUR DISTRICT,
PIN - 670694

BY ADV CIBI THOMAS

RESPONDENTS:

- 1 STATE OF KERALA, REP BY PRINCIPAL SECRETARY TO
THE GENERAL EDUCATION DEPARTMENT, GOVERNMENT
SECRETARIATE, THIRUVANANTHAPURAM,, PIN - 695001
- *2 THE DISTRICT EDUCATIONAL OFFICER KANNUR,
DEO OFFICE, KANNUR, KANNUR DISTRICT- GENERAL
CONVENER & CHAIRMAN APPEAL COMMITTEE, KANNUR REVENUE
DISTRICT SCHOOL KALOLSAVAM 2023-2024, PIN - 670002

THE DEPUTY DIRECTOR OF EDUCATION, KANNUR, DDE OFFICE,
KANNUR, KANNUR DISTRICT - 670002 (GENERAL CONVENER &
CHAIRMAN APPEAL COMMITTEE, KANNUR REVENUE DISTRICT
SCHOOL KALOLSAVAM 2023-2024)
(THE DESIGNATION AND ADDRESS OF R2 IS CORRECTED AS
PER ORDER DATED 03.01.2024 IN IA NO.2/23)
- 3 THE ADDITIONAL DIRECTOR OF PUBLIC INSTRUCTIONS
(GENERAL), GENERAL CONVENER, (KERALA STATE SCHOOL
KALOLSAVAM 2023-2024), DIRECTORATE OF GENERAL
EDUCATION, JAGATHY, THIRUVANANTHAPURAM, PIN - 695014

SMT. VIDYA KURIAKOSE, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner says that she and her team participated in an event in the 'District School Kalolsavam', but were not awarded the First Rank; thus denying them 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 and her team 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 adverting to the allegations and assertions made and contentions impelled, this Court passed an interim order, allowing the petitioner and her team 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 and her team are 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 and her team have 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 and her team are entitled to the benefit of any grace marks that they may obtain through their 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 and her team would be provisional, I am of the view that since

they have performed, any resultant benefit that can inure to them, ought not to be denied. This is because, the best that the petitioner and her team would obtain is only grace marks, depending upon whether they have obtained 'A Grade' or otherwise; and I do not think that it will be justified for this Court to deny that to the contestants, solely for the reason that their 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 and her team; but since they have 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 and her team would obtain all collateral benefits entitled, based on their 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 and her team, if any, based on their performance, as per law.

RR

Sd/-

DEVAN RAMACHANDRAN
JUDGE

APPENDIX OF WP(C) 44187/2023

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE APPEAL DATED 09-12-2023
Exhibit P2	TRUE COPY OF THE APPEAL ORDER NO.DDEKNR/8511/2023-E3 DATED 19-12-2023
Exhibit P3	TRUE COPY OF THE JUDGMENT DATED 21.11.2023 IN WP(C)38620/2023