

**(2025) 01 KL CK 1695**

**In the High Court Of Kerala**

**Case No : Writ Petition (C) No. 46459 Of 2024**

Ajin Krishna M S

APPELLANT

Vs

Director Of General Education

RESPONDENT

**Date of Decision : 03-01-2025**

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation : (2025) 01 KL CK 1695**

**Hon'ble Judges : C. Jayachandran, J**

**Bench : Single Bench**

**Advocate : Vishnu Bhuvanendran, Venugopal V**

**Final Decision : Dismissed**

## Judgement

C. Jayachandran, J

1. The petitioner's team had contested in the event 'Nadakam' in the Higher Secondary School Kalolsavam and could secure only the third position, with 'A' Grade.

2. The specific allegation made by the petitioner, as reflected in Ext.P1 Appellate order is that, the sound system was quite bad. There were allegations with respect to the sound system, wherefore, the event/Nadakam was changed on several occasions, causing difficulty to the participants.

3. The learned counsel would point out that, in respect of the theme, which is based on the upliftment of women, the existing reality with respect to cruelty being meted out against women cannot be avoided. Therefore, the finding of the Appellate Authority that violence as against the women has to be treated as an infirmity affecting the performance cannot be countenanced, is the submission made.

4. These submissions were seriously refuted by the learned Government Pleader. It is pointed out that the mark difference between the petitioner and the first

rank holder is ten.

5. Having heard the learned counsel appearing for the respective parties, this Court finds little merit in the instant Writ Petition. Even assuming that there was a faulty sound system, the same, by itself, is not a ground to allow the instant Writ Petition. If the sound system had any infirmity, the same is common for all the candidates/contestants and the petitioner cannot make out any peculiar grievance out of the same. Other than the same, no other allegation is seen raised in the appeal preferred by the petitioner. Another allegation espoused by the counsel for the petitioner is that the petitioner's team was not given an opportunity of being heard. As per the circular issued by the Higher Education Department, such a hearing is not a must, but optional only in cases where it is deemed necessary. The reasons stated by the petitioner cannot be countenanced, as affording sufficient ground for interference with the order of the Appellate Authority. The factual findings of the Appellate Authority cannot be interfered with on the afore grounds. This Court is not expected to undertake such an exercise in its powers under Article 226 of the Constitution of India.

Accordingly, the Writ Petition is dismissed.