

(2025) 01 KL CK 1696

In the High Court Of Kerala

Case No : Writ Petition (C) No. 46492 Of 2024

Freya Fem (Minor)

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 03-01-2025

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2025) 01 KL CK 1696

Hon'ble Judges : C. Jayachandran, J

Bench : Single Bench

Advocate : Jibu P Thomas, Kulathur S.V. Premakumaran Nair, Devika Viswom, Sneha Sabu, Surya Binoy

Final Decision : Dismissed

Judgement

C. Jayachandran, J

1. The petitioner had participated in the item 'Bharathanatyam' in the Kottayam Revenue District Kalolsavam, but could secure only the 2nd place, with A grade. The specific allegation raised is that the loud speaker at the stage was not clearly audible, which prevented the petitioner from hearing the song, thus affecting her performance. Although an appeal was preferred, the same was dismissed by Ext.P1, without advertng to the grievance raised by the petitioner. On such premise, the petitioner seeks the relief for participating in the State Kalolsavam.

2. These submissions were seriously opposed by the learned Government Pleader. The difference of mark between the petitioner and the contestant who obtained the 1st prize, is four.

3. Having heard the learned Counsel appearing for the respective parties, this Court is not inclined to allow the instant writ petition. A perusal of Ext.P1 appellate order would indicate that the appellate committee had perused the score sheet and the report of the stage manager; and an analyzis of the same would not make out the allegations levelled in the appeal. That apart, this Court

also notice that the defect, if any in the sound system, is common to all the candidates, including the petitioner, wherefore, the petitioner cannot espouse any peculiar grievance on account of the same. Ext.P1 also took stock of the fact that the marks given by all the three judges are more or less similar/comparable.

4. This Court cannot sit in appeal over the factual findings of the appellate committee. Nor is this Court expected to do so in exercise of its powers under Article 226 of the Constitution of India.

The writ petition is dismissed accordingly.