

(1993) 03 KL CK 0003
In the High Court Of Kerala
Case No : O.P. No. 21 of 1093

G. Sweety

APPELLANT

Vs

State and others

RESPONDENT

Date of Decision : 01-03-1993

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1994) 1 KLJ 47

Hon'ble Judges : P.A. Mohammed, J

Bench : Single Bench

Advocate : S. Subramani, for the Appellant; V.K. Beeran A.A.G., for the Respondent

Final Decision : Dismissed

Judgement

P.A. Mohammed, J.—The petitioners in these writ petitions are participators in the State school Youth Festival for the year 1992 - 1993. Almost all of them had the opportunity of participation in the festival by reason of the interim orders issued by this Court as they were otherwise disqualified. Those orders are not absolute, but subject to the final orders in these petitions. The subjects of competition in the present cases are "Kuchippudi" "Kathaprasangam", "Bharatanatyam", "Ganamela" etc. As per the Procedure followed by the Authorities in this behalf, candidates to participate in different competitions in the State Youth Festival are selected on the basis of their performance in the respective Youth Festival at District level. The disputes in these petitions mainly relate to the selection of candidates in different subjects for participation in the State Youth Festival by the judges at the Sub-district and District level. The common complaint raised before me is that there was no proper assessment of the petitioners' merit either by the original authority or by the appeal committee.

2. The learned Additional Advocate General II submitted that these writ petitions are liable to be dismissed in view of the decision of this, court in Rhomy Chandra Mohan v. Gen. Convenor, Balakalotsavam and Ynvajanotsavam (1993.(1) & L.J.

515) His Lordship Justice T.L. Viswanatha Iyer in the above case, while dealing with the grievance of a "talented girl" in Bharathanatyam who had participated in the Trichur District Yuvajanotsavam held in the year 1992 observed as follows:

This system of assessment has therefore been adopted for the purpose of assessing the relative merit and the authorities have to depend upon the judgment of the judges appointed for the purpose. May be a different set of judges may take a different view of the matter But that does not mean that the assessment of merit by one set of judges is lacking in validity or otherwise irregular. Assessment of merit is ultimately a matter of objective assessment by a set of impartial judges guided by relevant principles. It is not possible for this Court to sit in appeal over such awards in a proceeding under Article 226 of the Constitution. It is not within the province of this Court to reassess the merits or demerits of candidates participating in a competition made by competent judges appointed for the purpose. this Court can interfere only when there is a plain illegality or some malafides or some perversity or some other grossly vitiating circumstance in the assessment of merit.

I respectfully agree with the views expressed by the learned judge in the above decision. I strongly place reliance on this decision for disposal of the present writ petitions in the present cases, I do not find any complaint on the basis of patent illegality, malafides or perversity calling for interference by this Court.

3. I would prefer to deal with this question also from a different angle. Every college or school authorities have discretion to adopt any rule or procedure to regulate the curricular or extra-curricular activities of students in their institutions. The educational authorities have also power to frame rules or by - laws for their own guidance in cases where State level or District level functions or festivals are organised to promote extra curricular activities among students. Under whatever name they are called, they are purely rules, intended to serve internal discipline among the students. The persons or authorities functioning under such rules shall have absolute freedom to control and check the affairs of the students participating in such extra-curricular activities. Of course this freedom is subject to inherent and in built restrictions in maintaining internal discipline among students who participate in such functions or festivals, the persons or authorities in charge may adopt different modes for the conduct of the affairs in an orderly manner. According to me such persons or authorities shall not be called upon to explain their conduct in the discharge of their functions in exercise of powers available to this Court under. Article 226 of the Constitution. Of course the position is different if there is violation of fundamental rights of the students attending such festivals or functions by the action of such persons or authorities. In: such extreme cases this Court will be justified if Interference is made. I fail to see any of such questions in the present writ petitions.

4. While dealing with these, cases It came to my notice that there are functionaries like "Judged" "Appeal Committee", etc. functioning under the rules

framed for the conduct of competitions. Those bodies cannot be equated with ordinary judicial or quas-judicial bodies. As pointed out earlier, they are purely internal bodies of the educational institutions intended to subserve discipline among students in situations where disputes are likely to occur. The exercise of their functions is completely confined to the field of Youth Festival where the discipline is absolutely necessary for the proper conduct of different competitions among the students. The decisions will have to be taken in certain cases on the spot and I fail to see how such decisions can be challenged in these proceedings. The assessment of performance of the participants are made by the "judges". Their wisdom and reason are final in such internal matters of educational institutions. However as an abundant caution the appeals are provided before the "appeal committee" against the decision of the "Judges". The decision of the "appeal" committee shall be accepted as conclusive and final by the students and all others. That is purely a matter of observance of internal discipline this Court, according to me will not be justified in Interfering with such assessment of performance made by the appeal committee to their discretionary powers.

5. In these cases I have noticed from the tabulated statement filed on behalf of the General Convener, 33rd Youth Festival, that [the petitioners in O.P. Nos 29/93 and 34/93 have not filed appeals as provided under the Rules. Therefore the assessment or performance made by the judges in their cases are final in the case of petitioners in O.P. Nos 21/93,81/93,135/93 and 143/93, the appeals filed by them were rejected by appeal committee. Thus the assessment made in their cases by the committee has become final and conclusive in any case re-appraisal of assessment of merit of the competitors by this Court is not called for in view of the reasons afore-mentioned. Under the above circumstances, I have no option except to dismiss these petitions. They are accordingly dismissed. No order as to costs.

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