

(2024) 01 KL CK 0048
In the High Court Of Kerala
Case No : Writ Petition (C) No. 48 Of 2024

Gouri Nanda Krishna

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 08-01-2024

Acts Referred:

Citation : (2024) 01 KL CK 0048

Hon'ble Judges : Devan Ramachandran, J

Bench : Single Bench

Advocate : Ahammad Sachin K., Jerry Peter, Sunil K Kuriakose

Final Decision : Allowed

Judgement

Devan Ramachandran, J

1. The petitioner has approached this Court seeking permission to participate in the 'Kerala State School Kalolsavam 2023-24'.

2. The specific allegation of the petitioner is that she and her team performed commendably in the District Level of the 'Kalolsvam', but was denied First Prize unfairly; thus being robbed of the opportunity to move the next level, namely the 'State Level Kalolsavam'. She says that a Statutory Appeal was filed against the results of her team's performance at the District Level; but which has culminated in the impugned order, rejecting it without citing any proper reasons. She asserts that, even though the Statutory Scheme requires that every contention of the candidate be properly assessed, including through a video evaluation of the performance, this has not been done and hence that she has been constrained to approach this Court through this Writ Petition.

3. Noticing the afore submissions of the petitioner, this Court had passed the following interim order on 03.01.2024:

"The learned Government Pleader appears for the respondents.

Adverting to the strong allegations in the writ petition and since Ext.P5 does not mention that the video recording of the performance had been seen by the Appellate Committee, I deem it appropriate to grant an interim order in this case.

I thus order that the petitioner and her team be permitted to participate in the Kerala State School Kalolsavam, 2023-24, provisionally.

If the petitioner and her team are awarded any of the first three places, same shall be declared only after obtaining orders from this Court. ”

4. Today, the learned Government Pleader – Sri.Sunil Kumar Kuriakose, conceded that the petitioner’s team has been awarded 1st Rank, but argued that, nevertheless, this Writ Petition cannot be allowed, because the Appellate order in the District Level has been issued validly. He relied upon the judgment in Devna Sumesh v. State of Kerala [2022 KHC OnLine 8081], to contend that once the Appeal is disposed of, the petitioner would not obtain any further right – either in law or in equity; and that the impugned order would clearly establish that every contention of the petitioner had been properly considered.

5. I am afraid that I cannot find the afore submissions of the learned Government Pleader to be worthy, particularly when it is conceded that the petitioner and her team have obtained 1st Rank. It is, therefore, luculent that they had performed well and obtained the said rank.

6. Further, the impugned Appellate order merely says that all objections of the petitioner had been properly evaluated, but specific reasons are not available, particularly when there is no mention that the video-recording had been properly evaluated.

In the afore circumstances, I allow this Writ Petition and set aside Ext.P5; thus confirming the interim order dated 03.01.2024; clarifying that the petitioner and her team will be granted all benefits consequent to their performance in the ‘State Level Kalolsavam 2023-24’, as per law.

As a necessary corollary to the above, the results of the event shall be published by the organizers forthwith.