
(2010) 12 KL CK 0139
In the High Court Of Kerala
Case No : W.A. No. 2083 of 2010

Remya George

APPELLANT

Vs

The Organising Committee

RESPONDENT

Date of Decision : 13-12-2010

Acts Referred:

Citation : (2010) 12 KL CK 0139

Hon'ble Judges : Jasti Chelameswar, C.J;P.R. Ramachandra Menon, J

Bench : Division Bench

Advocate : Jayasree Manoj, for the Appellant; No Appearance, for the Respondent

Final Decision : Dismissed

Judgement

1. Chelameswar, C.J.—Aggrieved by judgment dated 09.12.2010, the unsuccessful Petitioner in W.P.(C) No. 36821 of 2010 has preferred this appeal.

2. The Appellant is a XI Ith Standard student studying in St. Sebastian's Higher Secondary School, Palluruthy. The grievance of the Appellant is that, in a competition of Bharathanatyam and Folk dance in the Mattancherry Sub - District School Kalolsavam for the year 2010 - '11, the Appellant could not perform well, though the Appellant is otherwise accomplished in both the abovementioned items, in view of certain inadequate arrangements made by the Respondents authorities. Aggrieved by the decision of the judges in deciding the competency of the contestant candidates, the Appellant preferred the appeals. It may be mentioned herein that the appeals were heard by the Appeal Committee of the Sub-District School Kalolsavam. The said appeals of the Appellant herein were rejected by the said committee, hence the Appellant herein approached this Court, by way of Writ Petition, with the prayers as follows:

i. Call for the records leading to Exhibits P1 and P2 and issue a Writ of Certiorari or any other appropriate writ, direction or order quashing the same.

ii. Issue a Writ of Mandamus or any other appropriate writ or direction to the

Respondents directing them to permit the Petitioner to participate in Bharathanatyam and Folk dance competitions in the Higher Secondary category for girls in the Ernakulam Revenue District School Kalolsavam 2010 - 2011 to be held at Muvattupuzha from 11.12.2010.

iii. Pass such other orders which are deemed fit and proper to meet the ends of justice and which may be prayed for from time to time.

3. The learned Judge dismissed the Writ Petition. The relevant portion is as follows:

3. In this case, admittedly, the expert judges have assessed the performance of the Petitioner and she has not secured first prize in both the items. In so far as the complaints raised by the Petitioner are concerned, as can be seen from Exts. P1 and P2, the same stage was made available to all the contestants and no other contestants has raised similar complaints. On the other hand if what the Petitioner contends is factually true, such complaints would have come from other contestants also. Further since the stage and sound system available was common for all, no prejudice special to the Petitioner could have been caused.

4. In such circumstances, this Court will not be justified in upsetting the assessment done by the judges.

The Writ Petition fails and is dismissed.

4. We totally agree with the conclusion arrived at by the learned Judge in the judgment under appeal. Apart from the reasons recorded by the learned Judge, we are of the opinion that the issue raised by the Appellant is not a justiciable one. The Appeal is dismissed at the admission stage.