

(2012) 03 KL CK 0122

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 4918 of 2012 (L)

Sreelakshmi C.S. Rep. by Father and Natural Guardian
Sathya Damodharan

APPELLANT

Vs

The Director of Public Instructions, Kerala State, Trivandrum.
PIN 695001, The Director, Vocational Higher Secondary
Education, Trivandrum PIN. 695001, The Deputy Director of
Education, Trivandrum PIN: 695001 and The General
Convenor, XXXI, Kerala School State Level Work Experience
Fair-2011-12 Keala State. PIN: 695001

RESPONDENT

Date of Decision : 23-03-2012

Acts Referred:

Citation : (2012) 03 KL CK 0122

Hon'ble Judges : T.R. Ramachandran Nair, J

Bench : Single Bench

**Advocate : Jacob Sebastian, for the Appellant; M.A. Fayaz, Government Pleader,
for the Respondent**

Final Decision : Allowed

Judgement

Justice T.R. Ramachandran Nair

1. The petitioner is a student of class XII of Sacred Heart Convent Girls Higher Secondary School, Thrissur. She participated in the Kerala Schools State Level Work Experience Fair 2011-12 in the item "Stuffed Toys". The certificate has not been issued showing the grade which she has secured in tune with the marks obtained by her. The said right is denied to the petitioner in the light of the fact that she participated in the State Level Competition under the enabling orders in an appeal filed by her against the original results in the Revenue District.

2. Heard the learned counsel for the petitioner and the learned Government Pleader, who argued after getting instructions. It is the case of the petitioner that she is eligible for the reliefs sought for, in the light of Ext.P6 Judgment, rendered on similar set of facts. The reason projected by the respondents in opposing the

claim is that when the person has participated after getting an order of any Court, then he will have to obtain more marks than the regularly selected candidates. The very same question has been considered while rendering Ext.P6 Judgment by this Court, wherein in para.7 it was held as follows:

...the petitioners cannot be discriminated on the ground that they appeared on the basis of a court order. The performance of candidates need not necessarily be consistent all along. On a particular day, they may fair better or below par than others. But, cannot be denied the benefit of the results they obtained on the ground that since they participated on the basis of the court order, they have to fair better than the other regularly selected participants. If that be so, the petitioners are entitled to keep the results they had obtained in the competition....

Therefore, this Court therein directed the respondents to issue certificates to the petitioners in accordance with the rules of the competition and also to award grace marks, if they are entitled for the same in accordance with the scheme.

Herein, the petitioner's appeal was allowed by Ext.P1. No discrimination can therefore be made. In that view of the matter, the stand taken by the respondents cannot be accepted. The petitioner will be granted the relevant grade in tune with the marks obtained, as well as grace marks in accordance with the results. Accordingly, the certificate will be issued in tune with the conditions of the scheme and based on the eligibility within a period of two weeks. The writ petition is allowed as above. No costs.