

**(2025) 01 KL CK 1690**

**In the High Court Of Kerala**

**Case No : Writ Petition (C) No. 46338 Of 2024**

Sreenandha Sajeendran

APPELLANT

Vs

Director Of General Education

RESPONDENT

**Date of Decision : 03-01-2025**

**Acts Referred:**

**Citation : (2025) 01 KL CK 1690**

**Hon'ble Judges : C. Jayachandran, J**

**Bench : Single Bench**

**Advocate : Miral K.Joy, Venugopal V.**

**Final Decision : Allowed**

## Judgement

C. Jayachandran, J

1. The petitioner was a contestant in the item 'Kuchipudi' from Thiruvananthapuram District. She could secure only the 5th position with A grade. The grievance espoused is that the competition was conducted in an open ground, which is very close to the parking ground of the vehicles, as a result of which, there was huge dust in and around the stage premises. The petitioner being chronically asthmatic, could not perform to her full extent. Immediately after the event, the petitioner gave a complaint specifically espousing these aspects and also stating that the songs could not be heard clearly due to the vehicles plying. However, without referring to any of those allegations, Ext.P2 order has been passed by the Appellate Authority, is the argument. Learned Counsel would also point out that, as many as four appeals, including the appeal by the person who secured the 6th position, were allowed by the Appellate Authority.

2. Learned Government Pleader would submit that, Ext.P2 would reflect that the video, as also, the score sheet were examined by the Appellate Authority to arrive at the finding that the appeal need not be allowed.

3. Having heard the learned Counsel appearing for the respective parties, this Court is inclined to allow the instant writ petition. This Court primarily notice that the cause espoused is one rooted on a humanitarian ground, that is to say, an asthmatic/allergic situation of the petitioner, which was flared up due to the venue chosen by the organizers of the programme. It is not denied that the venue was close to the vehicles parking ground and the vehicles were plying, creating lot of dust. The genuineness of the petitioner's grievance is clear from Ext.P1 preferred immediately after the event, wherein it is stated that there were enough dust in the stage and that she could not perform to her full extent, due to dust allergy. This aspect has not been considered in Ext.P2 order of the Appellate Authority. This Court also takes note of the fact that an appeal preferred by the person who obtained the 6th position has already been allowed by the Appellate Authority. If that be so, there exists no reason to deny an opportunity to the present petitioner to contest in the State Kalolsavam.

In such circumstances, this writ petition is allowed, with a direction to permit the petitioner to contest in the State Kalolsavam, along with other successful candidates.