



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 21ST DAY OF NOVEMBER 2023 / 30TH KARTHIKA, 1945

WP(C) NO. 38620 OF 2023

PETITIONER:

ARCHA NAIR
AGED 17 YEARS
REPRESENTED BY HER MOTHER AND NATURAL GAURDIAN
SMT.MILEE SANKAR, W/O.ULLAS S., AGED 46 YEARS,
LEELA LAYAM, NEELESWARAM P.O, KOTTARAKKARA, KOLLAM ,
11 TH STANDARD STUDENT, ESWARAVILSOM HIGHER SECONDARY
SCHOOL, NEDUVATHOOR, KOTTARAKARA, KOLLAM DISTRICT,
PIN - 691505
BY ADVS.
PREEJA V.P.
V.P.PRASANTH
VARSHA S.

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS PRINCIPAL SECRETARY TO THE GENERAL
EDUCATION DEPARTMENT, GOVERNMENT SECRETARIATE,
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE ADDITIONAL DIRECTOR OF GENERAL EDUCATION
GENERAL CONVENER, KERALA STATE SCHOOL KALOLSAVAM
2022-2023, GOVERNMENT SECRETARIATE,
THIRUVANANTHAPURAM, PIN - 695001
- 3 THE DISTRICT EDUCATIONAL OFFICER
KOTTARAKARA, KOLLAM DISTRICT, THE CHAIRMAN APPEAL
COMMITTEE, SUB DISTRICT, KOTTARAKARA, DEO OFFICE,
KOTTARAKARA, KOLLAM DISTRICT, PIN - 691506
SRI SUNIL K KURIAKOSE-GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

The petitioner participated in 'Kuchipudi' in the Sub-District School Kalolsavam, but secured only Rank No.2. She says that since the stage on which she performed has not been properly cleared after the earlier performances, certain pins and sharp objects therein caused her feet to be injured; and that there was also a problem with respect to the opening of the curtain of the venue because, someone had used a ladder for such purpose, which caused fear in her mind that it would collapse on her. She adds that the feedback to the stage from the loud speaker system was also woefully insufficient, thus incapacitating her from hearing the sound clearly; and hence that her performance could not be to the mark she expected.

2. The petitioner says that, however, when she preferred an Appeal against this before the Appellate Committee, it has been rejected through Ext.P3, without citing any reason, but merely saying that the "Appeal stands rejected". She thus prays that Ext.P3 be set aside and she be given an opportunity to participate in the District Level School Kalolsavam.

3. Sri.Sunil Kumar Kuriakose - learned Government Pleader, in response to the afore submissions of Smt.Preeja V.P. - learned counsel for the petitioner, submitted that it has been well settled by a



WP(C) NO. 38620 OF 2023

3

judgment of this Court in *Devna Sumesh v. State of Kerala* [2022 KHC Online 8081] that once the Appellate Order is issued, the petitioner cannot seek any relief, either by way of latitude or indulgence. He added that since the Appellate Committee had assessed the Appeal of the petitioner correctly, she cannot seek any further relief in this writ petition.

4. I am afraid that I cannot find favour with the afore submissions of the learned Government Pleader because, unlike many other cases, this is one in which the petitioner has specified the reasons which caused her apparent prejudice. She says that there were safety pins in the stage, which thrust into her feet; and that there was a problem with respect to the raising of the curtain, which caused her fear that it will collapse on her. She also says that there was a problem with the loud speaker system, which caused her not to hear the song properly and that all this caused prejudice to her.

5. When such specific contentions are raised in the Appeal, the Appellate Panel ought to have considered it properly, including by assessing the video recording; but nothing is discernible from Ext.P3 that this has been done. On the contrary, it merely says that the Appeal of the petitioner stands rejected without citing any reason.

6. Obviously, this Court finds in favour of the petitioner.

**WP(C) NO. 38620 OF 2023****4**

In the afore circumstances, this writ petition is allowed and Ext.P3 is set aside; with a consequential direction to the organizers to allow the petitioner to participate in 'Kuchipudi' in the District Level School Kalsavam to commence tomorrow (22.11.2023). All resultant benefits shall also be made available to her.

Since it is possible that the certified copy of the judgment will take a day or two for being prepared, I direct the learned Government Pleader - Sri.Sunil Kumar Kuriakose to inform the organizers about this judgment.

Sd/ -**DEVAN RAMACHANDRAN
JUDGE****MC/21.11**



APPENDIX OF WP(C) 38620/2023

PETITIONER EXHIBITS

Exhibit P1

TRUE COPY OF THE APPEAL SUBMITTED BY THE
PETITIONER DATED 01.11.2023 TO THE 3 RD
RESPONDENT

Exhibit P2

TRUE COPY OF THE RECEIPT ISSUED BY THE
AEO, KOTTARAKARA FOR AND ON BEHALF OF THE
KERALA SCHOOL KALOLSVAM 2023-24 OF
KOTTARAKARA SUB DISTRICT DATED 01.11.2023

Exhibit P3

TRUE COPY OF THE ORDER NO: A3 2791/2023
DATED 17.11.2023 ISSUED BY THE 3RD
RESPONDENT