



2025:KER:83

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE C. JAYACHANDRAN

FRIDAY, THE 3<sup>RD</sup> DAY OF JANUARY 2025 / 13<sup>TH</sup> POUSHA, 1946

WP(C) NO. 45561 OF 2024

PETITIONER:

- 1 LAKSHMI NANDANA T.K.  
AGED 16 YEARS (MINOR), D/O MANOJKUMAR T.K, P.K.M.M.HIGHER  
SECONDARY SCHOOL, EDARIKKODE, MALAPPURAM DISTRICT, RESIDING  
AT NANDANAM, THRIKKANDIYOOR POST, TIRUR, MALAPPURAM DT.  
REPRESENTED BY HER FATHER MANOJKUMAR T.K, NANDANAM,  
THRIKKANDIYOOR POST, TIRUR, MALAPPURAM DT., PIN - 676104

BY ADVS.  
T.K.AJITH KUMAR  
AISWARYA RAMESAN  
REMYA VARMA N.K  
VARNIBHA.T

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY THE SECRETARY, GENERAL EDUCATION DEPARTMENT,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM (PO).  
THIRUVANANTHAPURAM DT., PIN - 695001
- 2 GENERAL CONVENOR & THE DEPUTY DIRECTOR OF EDUCATION  
DOWN HILL (PO), MALAPPURAM DISTRICT., PIN - 676519
- 3 THE APPEAL COMMITTEE  
MALAPPURAM REVENUE DISTRICT KALOLSAVAM REPRESENTED BY ITS  
CHAIRMAN & DEPUTY DIRECTION OF EDUCATION, MANANCHIRA,  
KOZHIKODE DT., PIN - 673001

BY ADV.SMT.SURYA BINOY, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
03.01.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

*Dated, this the 03<sup>rd</sup> day of January, 2025*

The petitioner had participated in the item 'Ottanthullal (Girls)' in the Malappuram Revenue District Kalolsavam. Though the petitioner fared well, she could only secure second place, with A grade, which would not qualify her to participate in the State Kalolsavam. Learned Counsel for the petitioner would submit that the difference between the marks obtained by the petitioner and the candidate who obtained the first position is not indicated in Ext.P1 order of the Appeal Committee. It is also pointed out that the petitioner had to perform first on the day and that, there was a howling sound that affected her performance. On these grounds, the petitioner seeks interference by this Court.

2. Per contra, the above submissions were seriously refuted by the learned Government Pleader. It was pointed out that, the alleged infirmity with respect to the mike



was neither real nor affecting the evaluation of the performance by the judges Committee. It was also pointed out by the learned Government Pleader that, there is a difference of two marks between the petitioner and the candidate who obtained the first position. Learned Government Pleader would also pointed out that, while the candidate who obtained the first position were granted marks at the rate 88, 88 and 86 by the three judges respectively, the petitioner was awarded marks at the rate 85, 88 and 85. It could be seen from the above that, as many as, two among the three judges have rated the petitioner's performance as subservient to the performance of the first prized candidate.

3. Having heard the learned Counsel appearing for the respective parties, this Court finds little merit in the instant Writ Petition. As rightly pointed out by the learned Government Pleader, two out of the three judges have given lesser marks to the petitioner based on her performance. There is a difference of two marks between



the petitioner and the person who obtained the first position, which is significant in a competition. That apart, the allegation that the mike was defective at the time of performance is also not seen made out from Ext.P1 order of the Appeal Committee. The Committee upon hearing the petitioner and perusing the video of the event and the mark sheet, have found that none of the grounds raised in the appeal has effected the evaluation of performance by the judges.

4. As against the facts so found by the Appeal Committee, this Court cannot sit in appeal. Nor is such an exercise expected of this Court by invoking its jurisdiction under Article 226 of the Constitution.

The appeal lacks merit and the same is dismissed.

**Sd/-**

**C. JAYACHANDRAN**

**JUDGE**



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W.P.(C.) No.45561 of 2024

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APPENDIX OF WP(C) 45561/2024

PETITIONER'S EXHIBITS:

EXHIBIT P1 TRUE COPY OF ORDER NO. DDEMPM/15037/2024,  
DATED 05.12.2024 ISSUED BY THE 3RD  
RESPONDENT IN CONNECTION WITH THE APPEAL  
AGAINST THE OTTANTHULLAL COMPETITION RESULT.

EXHIBIT P2 TRUE COPY OF THE RELEVANT PAGES IN CHAPTER  
13 OF THE KERALA KALOLSAVAM MANUAL, WHICH  
RELATES TO THE 'APPEAL COMMITTEE'.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.A. TO JUDGE