

(2025) 01 KL CK 0055

High Court Of Kerala

Case No: Writ Petition (C) No. 46270 Of 2024

Shivaganga

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: Jan. 3, 2025

Hon'ble Judges: C. Jayachandran, J

Bench: Single Bench

Advocate: Reji Mathew.M, Venugopal V.

Final Decision: Dismissed

Judgement

C. Jayachandran, J

1. The petitioner is a participant in the Kasargod Revenue District School Kalolsavam in the item by name 'Paniya Nirtham'. The petitioner could

secure only the second prize, with 'A Grade', for which reason the petitioner stands excluded from competing in the State Kalolsavam. Learned

counsel would point out that the petitioner's team has used the traditional instruments in the competition, like the 'Paniya Drum' and the 'Cheeni flute',

both being integral to the cultural heritage of the community. Whereas, the team which obtained the first position has not used any such instruments.

Yet another contention raised is that, the petitioner's team wanted one particular judge by name 'Aneesh' to be excluded from the judges panel on

account of his alleged association with the trainers of the competing teams. This request was ignored, is another complaint. Learned counsel would

submit that the specific grievances of the petitioner were not addressed in Ext.P3 Order of the Appellate Committee.

2. These allegations were seriously refuted by the learned Government Pleader. Learned Government Pleader will point out that the difference

between the petitioner's team and the team which obtained the first position is nine marks.

3. Having heard the learned counsel appearing for the respective parties, this Court finds little merit in the instant writ petition. The allegation that the

team which obtained the first position has not used the traditional instruments is not substantiated. When specific allegations are made against such a

team, it is incumbent on the part of the petitioners to make them a party to this writ petition, which they have not done. It was pointed out that, the

State event in respect of 'Paniya Nirtham' is scheduled for tomorrow (04.01.2025). At this distance of time, this Court cannot direct impleadment of

the said party. As it stands now, there exists no material to ascertain whether the team which obtained the first position has employed the traditional

instruments or not.

4. That apart, mere employment of traditional instruments, by itself, cannot substantiate the petitioner's claim for the first position. The usage of

traditional instruments is only one aspect; and the performance, as of whole, is a more vital aspect. It is in analysis of that aspect as well that the

judges panel assessed the performance and awarded marks. The difference between the petitioner's team and the team which obtained the first

position is nine marks, which is substantial in the context of a competition.

This Court cannot sit in appeal over the factual findings of the Appellate Committee, which is reflected in Ext.P3 order. In the circumstances, this Writ

Petition will stand dismissed.