

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

Friday, the 3rd day of January 2025 / 13th pousha, 1946
WP(C) NO. 46528 OF 2024

PETITIONER:

NEHA NAIR,

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
2. THE DEPUTY DIRECTOR OF EDUCATION, OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION, KOZHIKODE, PIN - 673001
3. THE DISTRICT EDUCATION OFFICER(CHAIRMAN APPEAL COMMITTEE, KOZHIKODE DISTRICT SCHOOL KALOISAVAM), KOZHIKODE DISTRICT, PIN - 673001
4. PROGRAMME COMMITTEE CONVENOR(GENERAL), PRINCIPAL, BEM HSS, KOZHIKODE, KOZHIKODE DISTRICT SCHOOL KALOISAVAM, KOZHIKODE, PIN - 673001
5. THE PRINCIPAL, SILVER HILLS HIGHER SECONDARY SCHOOL, PAROPPADY, CHEVAYUR, KOZHIKODE, KOZHIKODE DISTRICT, PIN - 673012
6. PUNNYA U.S, 12TH STANDARD STUDENT, RAHMANIYA SCHOOL FOR HANDICAPPED, KOZHIKODE, KOZHIKODE DISTRICT, REPRESENTED BY HER FATHER (GUARDIAN), (FATHER'S NAME NOT KNOWN TO THE PETITIONER), PIN - 673008
7. ANJALY V.M, 12TH STANDARD STUDENT, SILVER HILLS HIGHER SECONDARY SCHOOL, PAROPPADY, CHEVAYUR, KOZHIKODE, KOZHIKODE DISTRICT REPRESENTED BY HER FATHER(GUARDIAN), (FATHER'S NAME NOT KNOWN TO THE PETITIONER), PIN - 673009
8. PROGRAMME COMMITTEE CONVENOR (GENERAL), KERALA STATE SCHOOL KALOISAVAM THIRUVANANTHAPURAM, THIRUVANANTHAPURAM DISTRICT, PIN - 695001

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the Respondents 1, 2 & 8 herein to allow the Petitioner to participate in Kuchpudi (girls) competition in the Kerala State School Youth Festival to be held from 04-01-2025 conducted by the respondents 1, 2 and 8 herein, pending disposal of the Writ Petition (Civil).

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S.HARISH R. MENON, K.T.SHYAMKUMAR, K.N.ABHA, A.G.PRASANTH, ALEENA SEBASTIAN, MARY HEDWIG BABY, Advocates for the petitioner and of SRI. P. SANTHOSH KUMAR, SPECIAL GOVERNMENT PLEADER, the court passed the following:

C.JAYACHANDRAN, J.

W.P.(C) No.46528 of 2024

Dated, this the 3rd day of January, 2025

O R D E R

Amongst the innumerable Writ Petitions, which stems from the School Kalotsavam, this one is peculiar and is of a grievous nature. The allegation levelled by the petitioner is one with respect to the competence of one among the three Judges in the panel. The conduct of the said Judge is grievously alarming to the extent that a candidate, who otherwise performed poorly in the estimation of two other Judges, has been given 10 marks by the 3rd Judge, whose competence is at stake, with the result, the said candidate had emerged successful at the first position, to the detriment of the other candidates, who were estimated to have performed well by the two other Judges.

2. This Court wanted the matter to be addressed in detail. Accordingly, Sri. P.Santhosh Kumar, learned Special Government Pleader has appeared. He would hand over a declaration given by the 3rd Judge by name Sreekutty Vinod, wherein her educational qualification is seen stated as B.A. Mohiniyattam, with a Diploma in Kuchipudi. Learned Special Government Pleader would submit that the said Judge was included in the panel acting upon the

W.P.(C) No.46528 of 2024

- 2 -

said declaration. This Court is alarmed to hear the said submission. Only on the basis of the declaration given by a person, the authorities, who are conducting the mega festival of School Kalotsavam have permitted such a person to be included in the panel of Judges, without ascertaining the veracity of the claims made in the declaration. Learned Special Government Pleader has no case that even the certificates of the said Judge were ascertained by the persons, who are in charge of selecting the Judges.

3. This Court is of the opinion that this is not a matter, which concerns or pertains to the petitioner individually, but one which goes to the root of the matter, pointing to something rotten in the city of Denmark, which in the present context, in the conduct of the Kalotsavam. This Court also take stock of the affidavits preferred by two other Judges of the panel, by names, Soumya Nair and Susmi Krishnan, which are produced at Exts.P5 and P6 respectively in this Writ Petition. The contents of the affidavits are self-speaking and hence not repeated herein. Suffice to say that they have their own serious doubts with respect to the competence and conduct of the 3rd Judge. Her declaration,

W.P.(C) No.46528 of 2024

- 3 -

which has been handed over to this Court by the learned Special Government Pleader, is provisionally marked as Ext.X1. The contents of the social media post of the said Judges would only supplement the above referred affidavits, Exts.P5 and P6.

4. This Court is therefore of the opinion that respondents 1, 2 and 3 shall swear to specific counter affidavits before this Court dealing with the contentions raised in this Writ Petition, especially as against the competence of the 3rd Judge by name Sreekutty Vinod, within a period of ten days from today (03.01.2025). Learned Special Government Pleader would communicate the same to the respondents and will ensure that this direction is complied with. For the time being, the petitioner is permitted to participate in the event Kuchipudi in the State Kalotsavam. By the said interim direction, this Court is not inclined to put a full stop to the issues involved in this Writ Petition.

5. This Court also notice that huge numbers of Writ Petitions come before this Court based on Kalotsavam, most of which pertains to factual aspects. This Court, sitting in

W.P.(C) No.46528 of 2024

- 4 -

the jurisdiction of Article 226 of the Constitution, cannot ascertain and adjudicate those factual aspects. This points to the necessity of having a body in the nature of a Tribunal or an Ombudsman for considering the grievances, which arises from the events in the Kalotsavam. This Court is also of the opinion that the inclusion of persons in the Judges panel should also receive the concurrence of the said body. If it is a Tribunal, this Court may suggest that the same may be under the chair of a retired High Court Judge, coupled with two members, of whom, one should be a retired person from the Indian Administrative Service, of the choice of the Government and the third person - one having special knowledge or expertise in the field of art or literature - shall be co-elected by the first two members. As regards the Chairman, namely, the retired High Court Judge, this Court is of the opinion that the Government is free to appoint him, in consultation with the High Court.

6. Respondents 1, 2 and 3 will also place their response to the above suggestion of this Court to grapple with the grievances, which arise from the School Kalotsavam, for, this Court sitting in the vacation jurisdiction, cannot pass

W.P.(C) No.46528 of 2024

- 5

any peremptory directions in this regard. Such an arrangement is all the more necessary in view of the fact that the precious time of the High Court cannot be spend over grievances, which arises from the School Kalotsavam, when more important matters, which affects the life and liberty of the citizens are pending adjudication by the Court. The alarming rate of increase in the number of Writ Petitions being filed before this Court in connection with School Kalotsavam would only justify the above stand of this Court.



7. The matter shall be posted before the regular court for further consideration, both with respect to the specific grievances in the Writ Petition, especially pertaining to the competence of the third Judge, as also, with respect to the necessity of constituting a Tribunal/Ombudsman.

Post the matter before the regular court on 15.01.2025. As already indicated, there will be an interim order permitting the petitioner to participate in the State event.

Sd/-

C.JAYACHANDRAN, JUDGE

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Exhibit X1	TRUE COPY OF THE LETTER IN THE FORM OF AN AFFIDAVIT GIVEN BY OTHER JUDGE NAMELY SREEKUTTY VINOD PRODUCED IN COURT ON 03.01.2025
Exhibit P5	THE TRUE COPY OF THE LETTER, IN THE FORM OF AN AFFIDAVIT GIVEN BY THE ONE OF THE JUDGE NAMELY SOUMYA NAIR
Exhibit P6	TRUE COPY OF THE LETTER IN THE FORM OF AN AFFIDAVIT GIVEN BY OTHER JUDGE NAMELY SUSMI KRISHNAN

