

Samal Vs. State of Kerala

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Court : Kerala

Decided On : Feb-04-2014

Judge : Honourable Mr. Justice a.V.Ramakrishna Pillai

Appellant : Samal

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI TUESDAY, THE 4TH DAY OF FEBRUARY 2014 15TH MAGHA, 1935 WP(C).No. 1347 of 2013 (P) ----- PETITIONER: ----- SAMAL, AGED 16 YEARS S/O. JOSEY, KONATH HOUSE, GOTHURATH, PARUR, REPRESENTED BY MOTHER AND NEXT FRIEND MINI, AGED 40 W/O. JOSEY KONATH HOUSE, GOTHURATH PARUR 68351 BY ADVS. REJI GEORGE SRI. GOPAKUMAR G. (ALUVA) SMT. ANUPAMA JOHNY RESPONDENTS: ----- 1. STATE OF KERALA REPRESENTED BY SECRETARY TO THE GOVERNMENT DEPARTMENT OF EDUCATION THIRUVANANTHAPURAM 695001 2. APPEAL COMMITTEE OF ERNAKULAM REVENUE DISTRICT SCHOOL YOUTH FESTIVAL, REPRESENTED BY ITS CHAIRMAN DEPUTY DIRECTOR OF EDUCATION, ERNAKULAM DISTRICT ERNAKULAM PIN 682018 3. ORGANIZING COMMITTEE KERALA STATE HIGHER SECONDARY KALOLSAVAM 2012-2013 REPRESENTED BY ITS CHIEF CO-ORDINATOR, DIRECTOR OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM 695008 R BY GOVERNMENT

PLEADER SRI. R. RANJITH THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-02-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 1347 of 2013 (P) APPENDIX PETITIONER'S EXHIBITS: EXT.P1 THE TRUE COPY OF THE

ORDER

NO 3382012 DT 18-10-2012 ISSUED BY THE DEPARTMENT OF GENERAL EDUCATION EXT.P2 THE TRUE COPY OF THE CIRCULAR NO Y2/25337/2012/DPI DT 30-10-2012 ISSUED BY THE DEPARTMENT OF GENERAL EDUCATION EXT.P3 THE TRUE COPY OF THE ORDER NO F1/16282 DT 09-01-2013 OF THE APPEAL COMMITTEE OF ERNAKULAM REVENUE DISTRICT SCHOOL YOUTH FESTIVAL REJECTING THE APPEAL OF THE PETITIONER. RESPONDENTS' EXHIBITS: NIL //TRUE COPY// PA TO JUDGE Scl. A.V.RAMAKRISHNA PILLAI, J.

===== W.P(C) No.1347 of 2013 =====
===== Dated this the 4th day of February, 2014

JUDGMENT

The petitioner challenges the finding in Ext.P3 passed by the 2nd respondent on an appeal preferred by him.

2. The petitioner was a team leader of Chavittunadakam which participated in the Kerala Higher Secondary Revenue District School Youth Festival held at Ernakulam. The petitioner alleges that his team had the skill and potential to emerge as victorious in the final event. However, during their performance in the revenue district competitions certain untoward and unexpected incident happened.

3. According to the petitioner, while performance of the team was going on, a portion of the stage collapsed and one of the participant fell down, as a result of which, his leg got stuck between two desks arranged in the stage which twisted his ankle. Thus, the team of the petitioner could not perform upto their expectation by the sudden and unexpected collapse of the stage and also due to the sudden loss of rhythm. However, the team emerged as the second best team. WP(C).1347/13 - :2:- 4. Though the petitioner preferred an appeal against the verdict, the 2nd

respondent rejected the same by Ext.P3 order finding that the performance of the team was not affected by the sudden collapse of the stage. It was in this context, the petitioner has come up before this Court.

5. This Court by order dated 15.1.2013 provisionally permitted the petitioner's team to participate in the Kerala State Higher Secondary Kalolsavam in Chavittunadakam event.

6. Today when the matter came up for hearing, the learned counsel for the petitioner submitted that on the strength of the Government Order, the petitioner has participated in the State Level competition and they emerged as the first team. As the purpose sought to be achieved by this writ petition has been served, this writ petition is closed making it clear that the petitioner's team shall continue to enjoy the benefit of the interim order passed by this Court. Sd/-
A.V.RAMAKRISHNA PILLAI JUDGE krj /True Copy/ P.A to Judge

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