

Sangeeth Surendran vs the Chairman

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Court : Kerala

Decided On : Mar-22-2022

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : WP(C)/1222/2021

Appellant : Sangeeth Surendran

Respondent : The Chairman

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN TUESDAY,
THE 22ND DAY OF MARCH 2022 / 1ST CHAITHRA, 1944
PETITIONER/S: 1 SANGEETH SURENDRAN AGED 28 YEARS S/O.
P.R SURENDRA MARAR, VADAKKEPATHIPPALIYEL,
PALAKKATTUMALA P.O, MARANGATTUPILLI, KOTTAYAM 686 635 2
MOHANRAJ A.R, AGED 34 YEARS S/O.R AJAN, ALAMPULLY,
VARAVOOR P.O, WADAKKANCHERRY, THRISSUR 680 582 BY
ADVS. M.R.ARUNKUMAR SRI.P.SHAMMI NAVAS RESPONDENT/S:

1 THE CHAIRMAN KERALA DEVASWOM RECRUITMENT BOARD,
TRAVANCORE DEVASWOM BOARD BUILDING, M.G ROAD,

AYURVEDA COLLEGE JUNCTION, THIRUVANANTHAPURAM 695 001
2 KERALA DEVASWOM RECRUITMENT BOARD, REPRESENTED BY
ITS SECRETARY, TRAVANCORE DEVASWOM BOARD BUILDING,
M.G ROAD, AYURVEDA COLLEGE JUNCTION,
THIRUVANANTHAPURAM 695 001 3 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEVASWOM DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 4 KERALA KALAMANDALAM SOUGHT TO
BE IMPEADED BY ADV SRI.V.V.NANDAGOPAL NAMBIAR

OTHER PRESENT: SR.GP.PREMCHAND R.NAIR THIS WRIT
PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22.03.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

Dated this the 22nd day of March, 2022 The petitioners had participated in the interview conducted by the Devaswom Recruitment Board for appointment to the post of Kombu Teacher in the Vadya Vidyalayam of Guruvayoor Devaswom. The interview panel consisted of a member from the KDRB as Chairman, another member of the KDRB, Chairman of the Guruvayoor Devaswom Managing Committee and two outside experts, Cheranalloor Sankarankutty Marar and Vaikom Venugopal. In the rank list published after interview, the first petitioner is rank No.3 and the 2nd petitioner, rank No.4. This writ petition is filed alleging that the process of selection is flawed, inasmuch as the outside experts were not Kombu artists and therefore incompetent to assess the expertise of the candidates.

2. Learned Counsel for the petitioner referred to

Rule 7(4) of the Kerala Devaswom Recruitment Rules, 2015 to contend that the expert in the interview panel should be a person with expert knowledge in the particular subject. According to the learned Counsel, even though Cheranalloor Sankarankutty Marar is a stalwart in Chenda and a Melapramani, he does not

have the expertise to assess the performance of candidates suitable for appointment as Kombu Teacher. The other expert, Vaikom Venugopal, is an exponent of Mridangam and cannot also claim requisite expertise in Kombu.

4. Learned Standing Counsel for the Devaswom

Recruitment Board submitted that the objective of including outside experts is to assist the other panelists in selecting the right candidate. As the expert is not entitled to award marks, the challenge on the premise that the expert did not have sufficient knowledge in the particular subject cannot be countenanced. It is submitted that Cheranelloor Sankarankutty Marar is a stalwart among temple vadyam artists and is an acclaimed helmsman (Melapramani). He has deep and thorough knowledge in Chendamelam, Panchavadyam, Kombu, Sanghu, Edakka etc. It is hence preposterous to contend that he does not have sufficient expertise in Kombu, one among the five musical accompaniments for Panchavadhyam. The other expert, Prof. Vaikom Venugopal was the Head of the Department of Mridangam at the Sree Swathi Thirunal College of Music and a former Director of the Kshetra Kalapeedam managed by the Travancore Devaswom Board. He has accompanied great exponents of Karnatic music at various cultural events. It is submitted that the experts were included in the interview panel after considering their bio-data. No complaint was raised by the petitioners at the time of interview or even thereafter. Their grievance arose only after publication of the rank list. Learned Counsel contended that having participated in the interview, petitioners cannot turn around and challenge the procedure, on finding that they did not get the expected marks.

5. In reply, learned Counsel for the petitioners

submitted that Kombu is a wind instrument whereas Chenda, Maddalam and Mridangam are percussion instruments. Moreover, Mridangam is not an instrument associated with temple vadyam and therefore, the second expert cannot be attributed with sufficient knowledge in Kombu.

6. In the nature of the contentions urged, it is necessary to consider Rule 7(4) of the Kerala Devawom Recruitment Rules, 2015 extracted hereudner; 7(1) xxxx 7(2)

7(4) Where the oral test (interview) is conducted by the Board, the Board shall invite the Devaswom Board concerned to appoint a representative to be present and the representative so present may take part in the deliberations of the Board but shall not be entitled to award marks: Provided that the Board shall invite, wherever they consider it necessary, any person or persons with expert knowledge in particular subject to be present at the interview to assist the Board but such person or persons shall not be entitled to award marks.

From a reading of the Rule, it is evident that the role of the expert is only to assist the interview board and the expert cannot award marks. Going by the bio-data of the experts, the allegation that the experts do not even have requisite knowledge and expertise in Kombu for assisting the interview board is liable to be rejected. I also find merit in the contention of the learned Standing Counsel that the petitioner has no complaint regarding the process of interview till publication of the rank list. It is settled law that after participating in a selection process, the candidates cannot challenge the process on turning out to be unsuccessful or on failing to achieve the requisite benchmark. For the aforementioned reasons, the Writ Petition is dismissed. Sd/- V.G.ARUN JUDGE RK/vgs APPENDIX OF WP(C) 1222/2021 PETITIONER EXHIBITS EXHIBIT P1 COPY OF THE CERTIFICATE ISSUED BY TRAVANCORE DEVASWOM BOARD KSHETRA KALA PEEDOM TO THE 1ST PETITIONER DATED 28- 06-2014 EXHIBIT P2 COPY OF THE CERTIFICATE ISSUED BY KERALA KALAMANDALAM TO THE 2ND PETITIONER DATED 29-06-2016 EXHIBIT P3 COPY OF THE CERTIFICATE ISSUED BY DURGA KALA NILAYAM, WADAKKANCHERRY, THRISSUR TO THE 2ND PETITIONER DATED 29-06-2016 EXHIBIT P4 COPY OF THE CERTIFICATE ISSUED BY SOPANAM SCHOOL OF PANCHAVADYAM TO THE 2ND PETITIONER DATED 30-05-2016 EXHIBIT P5 COPY OF THE CERTIFICATE ISSUED BY NEDUNGANAD KALA KSHETRAM, PATTAMBI TO THE 2ND PETITIONER DATED 13-04-2020 EXHIBIT P6 COPY OF THE NOTIFICATION PUBLISHED BY THE 2ND RESPONDENT DATED 18-3-2020 EXHIBIT P7 COPY OF THE APPLICATION FILED BY THE 2ND PETITIONER BEFORE THE 2ND RESPONDENT DATED 14-05-2020 EXHIBIT P8 COPY OF

THE CERTIFICATE ISSUED BY THE VILALGE OFFICER, VARAVOOR TO THE 2ND PETITIOENR DATED 25-11-2020 EXHIBIT P9 COPY OF THE REPRESENTATION FILED BY THE 1ST PETITIONER DATED 19-11-2020 BEFORE THE 1ST RESPONDENT EXHIBIT P10 COPY OF THE REPRESENTATION FILED BY THE 2ND PETITIONER DATED 19-11-2020 BEFORE THE 1ST RESPONDENT. EXHIBIT P11 COPY OF THE NOTIFICATION OF RANK LIST PUBLISHED BY THE 2ND RESPONDENT DATED 18-12-2020

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