



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

FRIDAY, THE 10<sup>TH</sup> DAY OF NOVEMBER 2023 / 19TH KARTHIKA, 1945

WP (C) NO. 36776 OF 2023

**PETITIONER:**

PARENTS TEACHERS ASSOCIATION, THAZHAVA A V GOVERNMENT HIGH SCHOOL, THAZHAVA, THAZHAVA.P.O., KARUNAGAPPALLY, KOLLAM REPRESENTED BY ITS PRESIDENT, BIJU.K., AGED 44, S/O KRISHNANKUTTY, RESIDING AT VAYALIL, SOUTH WEST THAZHAVA, THAZHAVA.P.O., KARUNAGAPPALLY, KOLLAM - 690523.

R.T.PRADEEP  
KULATHUR S.V. PREMAKUMARAN NAIR  
P.BIJIMON  
M.BINDUDAS

**RESPONDENTS:**

- 1 SECRETARY TO GOVERNMENT  
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001
- 2 ASSISTANT EDUCATIONAL OFFICER  
OFFICE OF ASSISTANT EDUCATIONAL OFFICER,  
KARAUNAGAPPALLY.P.O., KOLLAM, PIN - 690518
- 3 LIYA.J. SAJEEV, AGED 15 YEARS, D/O SAJEEV, CLASS X,  
THAZHAVA A V GOVERNMENT HIGH SCHOOL, THAZHAVA,  
THAZHAVA.P.O., KARUNAGAPPALLY, KOLLAM - 690523,  
REPRESENTED BY HER FATHER SAJEEV, SAJEEV MANZIL,  
CHELAKODE, PATHANAPURAM.P.O., KOLLAM, PIN - 689695

SRI SUNIL K KURIAKOSE - GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

The petitioner is a Parent - Teacher Association of a school; and their limited plea is that the points received by the third respondent - who is a student of the said school - in "Nadodinrutham", in the Sub District Competition at Karunagappally, be allowed to be added to the total tally of the school.

2. Sri.R.T.Pradeep - learned counsel for the petitioner, explained that, as per the applicable Rules and Regulations, the points secured by a student are always added to that of the school; and the one which garners highest points is given the overall trophy. He submitted that, however, even though the third respondent obtained "B grade" with three points, in the afore event, the same have been now refused to be added to that of the school, saying that she participated on the strength of an order in appeal. The learned counsel submitted that it makes no difference whether a student participates on the strength of an appeal or otherwise, because the Regulations do not create any such differentiation. He pointed out to Ext.P2 Regulations to argue that, however, in the case of the State Competitions, it has



been made clear that the points of a student, who participates through an appellate order, would only be entitled personally, but that it will not be added to the school tally. He argued that such a restriction is not there in the case of competitions at the Sub District level; and therefore, prayed that the reliefs sought in this writ petition be granted.

3. Sri.Sunil Kumar Kuriakose – learned Government Pleader, in response, vehemently argued that Ext.P2 will not apply to the petitioner, or to the third respondent because, the latter, admittedly, participated in the Sub District Level. He argued that since the Rules do not provide that a student who participated in the Sub District level on the strength of appellate order is entitled to have his or her marks reckoned with that of the school, the reliefs sought in this writ petition cannot be granted.

4. I am afraid that I cannot find favour with the afore submissions of the learned Government Pleader because, his contention appears to be that, when there is no provision for the marks of a child - obtained consequent to her/his participation in an event after obtaining an appellate order to be added to that



of the school, it cannot be done. However, the real question is not this at all; but whether there is any inhibiting factor which will deny the benefit sought for by the petitioner. The learned Government Pleader very pertinently, conceded that there is no such Rule which denies the addition of points obtained by a child, consequent to his/her participation in an event resultant to an appellate order; and am, therefore, of the firm view that the petitioner is now entitled to be granted relief.

5. This is more so because, had there been any such inhibition, it would have certainly been included in the Regulations covering the field, as has been done in the case of Ext.P2 - which relates to the State level competition. If the Authorities had required that such a stipulation ought to apply to the Sub District level competitions also, I wonder why such a specific Regulation or Rule has not been drafted or included.

6. In the afore circumstances, I allow this writ petition and direct the competent Authorities to add the points obtained by the third respondent to that of the school. This shall be done at the earliest, but before the overall championship is announced.

I, however, clarify that the afore shall be done only if no



other candidate from the school in question had participated and if no such marks have been added to the total of the school, for the event in which the 3<sup>rd</sup> respondent has secured her points.

**Sd/- DEVAN RAMACHANDRAN**  
**JUDGE**

stu



**APPENDIX OF WP(C) 36776/2023**

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF ORDER NO.D516/2023 DATED 25.10.2023 BY 2ND RESPONDENT ALLOWING THE APPEAL FILED BY 3RD RESPONDENT
- Exhibit P2 TRUE COPY OF G.O. (RT) NO.144/2018/G.EDN DATED 6.10.2018 BY WHICH AMENDMENT WAS CARRIED OUT IN KERALA SCHOOL KALOLSAVAM MANUAL
- Exhibit P3 TRUE COPY OF ORDER DATED 4.11.2023 BY 2ND RESPONDENT ALLOWING THE INDIVIDUAL CLAIM OF 3RD RESPONDENT FOR 'B' GRADE BUT DECLINING TO RECKON 3 POINTS FOR THE SCHOOL WITH THE WINNERS SHEET CONTAINING THE GRADE AND POINTS OF 3RD RESPONDENT
- Exhibit P4 TRUE COPY OF ITEM WISE POINT REPORTS OF THE SCHOOL OF PETITIONER DATED 30.10.2023 IN RELATION TO THE GRADE GARNERED BY 3RD RESPONDENT IN KARUNAGAPPALLY SUB DISTRICT KALOLSAVAM 2023-2024