

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

WEDNESDAY, THE 13TH DAY OF NOVEMBER 2019 / 22ND KARTHIKA, 1941

WP(C).No.30492 OF 2019(J)

PETITIONER/S:

AISWARYA P (MINOR) AGED 12 YEARS,
D/O.SMITHA PRASANTH, RESIDING AT AISWARYA,
TEMPLE NAGAR, KOTTARAKKARA (P.O),
KOLLAM DISTRICT,
REPRESENTED BY HER MOTHER SMITHA PRASANTH

BY ADVS.
SRI.GOPAKUMAR R.THALIYAL
SRI.T.S.RAJASENAN

RESPONDENTS :-

- 1 THE CONVENOR
CBSE KOLLAM DISTRICT KALOTSAV-2019,
LAKE FORD SCHOOL, KOLLAM, PIN-691 003
 - 2 THE CONVENOR,
CBSE KOLLAM DISTRICT KALOTSAV-2019,
CARMEL PUBLIC SCHOOL, THEKKUMALA ROAD,
VAZHAKKULAM, MUVATTUPUZHA,
ERNAKULAM DISTRICT, PIN-686 670
 - 3 THE REGIONAL OFFICER,
CENTRAL BOARD OF SECONDARY EDUCATION,
REGIONAL OFFICE, NEW NO.3 (OLD NO.1630-A) J-BLOCK,
16TH MAIN ROAD, ANNA NAGAR (WEST), CHENNAI-600040
 - 4 THE PRINCIPAL,
MAR GREGORIOS MEMORIAL RESIDENTIAL PUBLIC SCHOOL,
KOTTARAKKARA, MYLOM, KOLLAM DISTRICT, PIN-691 566
- R3 BY SRI.NIRMAL S., SC, CBSE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13.11.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

The prayer in this writ petition is as follows :-

Issue a writ of mandamus or any other appropriate writ, direction or order directing the respondents to allow the petitioner to participate in the item 'Folk Dance' in the State Kalotsav for CBSE Schools scheduled to be held on 14.11.2019 or any other subsequent dates.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the CBSE.

3. The petitioner, who is a student of a CBSE School contends that she has secured A Grade and second prize in Folk Dance in the District Level competition. It is stated that Ext.P2 manual with regard to conduct of CBSE Kalotsav specifies that top two positions at the District Level competition will be eligible to participate in the State Level Kalotsav. The learned counsel for the petitioner contends that there were two first prizes and two second prizes in 'Folk Dance' in the District Level Kalotsav and that the petitioner, who had secured second prize was, therefore, entitled to participate in the State Level Kalotsav. However, it is stated that only the two first place holders have been permitted to participate

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and the petitioner is included only in the waiting list. It is contended that this is against the provisions of Ext.P2 and that as such, the petitioner is liable to be permitted to participate in the State Level Kalotsav.

4. I have considered the contentions advanced. The issue raised is with regard to the conduct of a State Level Kalotsav for students of CBSE Schools. Ext.P2 is stated to be guidelines issued for conduct of the Kalotsav. It is submitted by the learned Standing Counsel appearing for the CBSE that Kalotsav is conducted by the Confederation of Sahodhaya Schools and that the CBSE has no role in the actual conduct of the Kalotsav.

5. I am of the view that the issue with regard to participation of students in a School Level Kalotsav is not a matter, which is liable to be considered by this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. Moreover, it is clear that Ext.P2 is not a binding statutory guideline which would permit the petitioner to approach this Court complaining of violation of the same. Ext.P2 is only a guideline issued with regard to the conduct of Kalotsav and even in case there is a violation of the same, I am of the opinion that no writ would lie

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for enforcement of the same. In the above view of the matter, I am of the opinion that this is not a matter which requires interference of this Court in exercise of its powers of judicial review.

The writ petition fails and it is accordingly, dismissed.

**Sd/-
ANU SIVARAMAN
JUDGE**

Jvt/13.11.2019

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APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE LIST SHOWING THE DISTRIBUTION OF PRIZES IN FOLK DANCE PUBLISHED IN THE WEBSITE.

EXHIBIT P2 TRUE COPY OF THE MANUAL FOR CONDUCTING THE DISTRICT LEVEL AND STATE LEVEL YOUTH FESTIVAL COMPETITIONS OF CBSE SCHOOLS.

RESPONDENTS'

EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE