

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 118 of 2015 (L)

PETITIONER :

**SANEESH K.R.,
KEERIKOTTAYIL HOUSE, PADIYOTTUCHAL P.O.
KANNUR DISTRICT, PIN-670307.**

BY ADV. SRI.GEORGEKUTTY MATHEW

RESPONDENT(S) :

- 1. UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF YOUTH AFFAIRS AND SPORTS
NEW DELHI-110 001.**
- 2. INDIAN OLYMPIC ASSOCIATION,
REPRESENTED BY ITS SECRETARY GENERAL
OLYMPIC BHAVAN, B 29, INSTITUTIONAL AREA
NEW DELHI-110016.**
- 3. YACHTING ASSOCIATION OF INDIA,
REPRESENTED BY ITS SECRETARY GENERAL, ROOM NO. 403
IV CHANAKYABHAVAN, CHANAKYAPURI P.O.
NEW DELHI-110021.**
- 4. 35TH NATIONAL GAMES ORGANISING COMMITTEE,
REPRESENTED BY ITS ORGANISING SECRETARY GENERAL
CHANDRASEKHARAN NAIR STADIUM, PALAYAM
THIRUVANANTHAPURAM, PIN-695033.**
- 5. THE GENERAL CONVENOR,
35TH NATIONAL GAMES ORGANISING COMMITTEE
CHANDRASEKHARAN NAIR STADIUM, PALAYAM
THIRUVANANTHAPURAM, PIN-695033.**
- 6. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.**

7. THE DIRECTOR,
SPORTS AND YOUTH AFFAIRS,
DIRECTORATE OF SPORTS AND YOUTH AFFAIRS
JIMMY GEORGE STADIUM, VELLAYAMBALAM
THIRUVANANTHAPURAM, PIN-695033.

8. THE KERALA STATE SPORTS COUNCIL,
REPRESENTED BY ITS SECRETARY
BEHIND GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN-695001.

R1 TO R3 BY SRI.N.NAGARESH, ASGI
R4 & R5 BY SREELAL N. WARRIER, SC
R6 & R7 BY GOVT. PLEADER SRI. K.C. VINCENT
R8 BY ADV. SMT.LATHA KRISHNAN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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...3/-

WP(C).No. 118 of 2015 (L)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1. TRUE COPY OF THE LETTER ISSUED BY THE SECRETARY GENERAL, KERALA WATER SPORTS AND SAILING ORGANISATION TO THE PRESIDENT, KERALA STATE SPORTS COUNCIL, DATED 7-12-14.
- EXT. P2. TRUE COPY OF THE RULES FOR THE 35TH NATIONAL GAMES DATED 22-12-14.
- EXT. P3. TRUE COPY OF THE LETTER ISSUED BY THE SECRETARY GENERAL OF KERALA WATER SPORTS AND SAILING ORGANISATION DATED 30-12-14.
- EXT. P4. TRUE COPY OF THE SUMMARY OF FINANCIAL STATUS OF THE NATIONAL GAMES SECRETARIAT AS ON 30TH JUNE, 2014.
- EXT. P5. TRUE COPY OF THE RELEVANT EXTRACT OF THE SPORTS POLICY, 2012 DECLARED BY THE GOVERNMENT OF KERALA.
- EXT. P6. TRUE COPY OF THE OBJECTIVES OF THE 35TH NATIONAL GAMES ISSUED BY THE NATIONAL GAMES SECRETARIAT.
- EXT. P7. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 8TH RESPONDENT DATED 10-12-14.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 118 of 2015

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Dated this the 7th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

i) issue a writ of certiorari or any other appropriate writ, order or direction, quashing Condition Nos.3.2, 3.6 and 6.1 of Exhibit P2 as arbitrary and illegal.

ii) issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to include female participants also in the event of yachting viz., Laser (Radial) in the 35th National Games.

iii) issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents 4 to 8 to take immediate steps for purchasing Yachting Boats and rescue boats for the State teams in the 35th National Games, immediately, within a time limit to be fixed by this Hon'ble Court.

2. The learned counsel for the petitioner points out that the National Games 2015 are sought to be conducted placing some unconscionable conditions with regard to the right to participate in the events. As far as the petitioner is concerned, his interest in the item 'Yachting'. Reference is made to **Clause 3.6** pointing out

that the particular event mentioned therein is open only for 'men'. The said submission does not impress this Court much, in so far as the petitioner admittedly is a male candidate and none of his vested rights, if any, is affected in any manner. This is not a public interest litigation and as such, absolutely no significance or relevance can be given to the said contention.

3. Coming to the other contention, the grievance is with reference to **Clause 6.1** of Ext.P2, which says that each competitor is responsible to bring his own equipment as required. According to the petitioner, he is representing the State and as such the boat has to be provided by the State.

4. The learned Government Pleader appearing for the respondent State, the learned Standing Counsel appearing for the 4th respondent and the learned Standing Counsel appearing for the 8th respondent submit that the petitioner cannot dictate terms to participate in

the event and that the norms have been stipulated by the competent authority, in conformity with the norms and guidelines issued by the 2nd respondent/Indian Olympic Association. In so far as the authority of the 2nd respondent is not under challenge in this regard, the reliefs sought for by the petitioner are not liable to be entertained, submitted the learned Standing Counsel.

4. After hearing both the sides, this Court finds that absolutely no tenable ground is brought about, to call for interference by this Court. Writ petition is devoid of any merit. Interference is declined. It is dismissed accordingly.

Sd/-
P.R. RAMACHANDRA MENON
JUDGE