

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WP(C) .No. 580 of 2015 (V)

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PETITIONER(S) :

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SUNDAR S. ,  
S/O.SUBBARAMAN.R. , RESIDING AT 7/17,  
JANAKIRAM COLONY,  
2ND STREET, ARUMBAKKAM, CHENNAI-600106.

BY ADVS.SRI.H.HAMZA ROWTHER  
SRI.V.K.PEERMOHAMED KHAN  
SRI.H.SUNIL.

RESPONDENT(S) :

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1. KERALA TABLE TENNIS ASSOCIATION,  
REP.BY ITS HONORARY SECRETARY,  
REGIONAL SPORTS CENTRE,  
KADAVANTHARA, KOCHI-682 020.
2. ALAPPUZHA DISTRICT TABLE TENNIS ASSOCIATION,  
YMCA, ALAPPUZHA - 688 001,  
REPRESENTED BY ITS SECRETARY.

R1 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR  
R1 BY ADV. SRI.P.GOPINATH  
R1 BY ADV. SRI.P.BENNY THOMAS  
R1 BY ADV. SRI.K.JOHN MATHAI  
R1 BY ADV. SRI.JOSON MANAVALAN  
R1 BY ADV. SRI.KURRYAN THOMAS  
R4 BY ADV. SRI.K.ANAND (SR.)  
R4 BY ADV. SMT.LATHA KRISHNAN, SC, KERALA STATE SPORTS  
COUNCIL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 22-01-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

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EXHIBIT-P1: TRUE COPY OF THE CERTIFICATE ISSUED BY TABLE TENNIS  
FEDERATION OF INDIA IN THE YEAR 2006.

EXHIBIT-P2: TRUE COPY OF THE NEWS PAPER CUTTINGS ALONG WITH  
CERTIFICATES.

EXHIBIT-P3: TRUE COPY OF THE CERTIFICATE OF MERIT ISSUED BY THE 1ST  
RESPONDENT IN THE YEAR 2014.

EXHIBIT-P4: TRUE COPY OF THE MAIL COMMUNICATION RECEIVED BY THE  
PETITIONER REGARDING FORMATION OF TEAM.

EXHIBIT-P5: TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER  
ALONG WITH THE RECOMMENDATION MADE BY THE 2ND  
RESPONDENT.

EXHIBIT-P6: TRUE COPY OF THE HALL TICKET ISSUED BY ANNA UNIVERSITY  
TO THE PETITIONER TO THE PETITIONER FOR THE EXAMINATION  
OF THE ENGINEERING DEGREE.

RESPONDENT(S) ' EXHIBITS :

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NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

**P.R. RAMACHANDRA MENON, J.**

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**W.P.(C). No. 580 of 2015**

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**Dated this the 22<sup>nd</sup> day of January, 2015**

## **JUDGMENT**

Non inclusion of the petitioner in the men's team for the Kerala Table Tennis to participate in the 35<sup>th</sup> National Games is sought to be challenged in this writ petition. The main contention is that such exclusion, despite the best performance and the credentials to the petitioner, mainly for the reason that he did not participate in the coaching camp, is not correct or sustainable, either in law or on facts.

2. The case of the petitioner is that he is pursuing his studies for the B.E Degree in Computer Science in the 6<sup>th</sup> semester at Rajalakshmi Engineering College, Chennai. The petitioner has participated in various levels of championships and tournaments in the State level, National level and also in some International level as well. The petitioner has bagged the requisite extent of merit

rating to be included in the State Team and was eagerly awaiting for such a chance. It is stated that a coaching camp, which is the 2<sup>nd</sup> phase of the camp, was conducted during November, 2014 at Alappuzha. But the petitioner was never told specifically as to the necessity to participate in the said camp, lest he should be excluded from being considered for selection to be included in the National Championship. At the same time, it is conceded that there was a casual telephone call, as to the holding of the camp.

3. The learned counsel for the petitioner points out that, it is not mandatory to have attended the camp and even if such a stipulation/requirement is there, that by itself cannot be a reason to deny the chance of an eligible participant. The petitioner stands on a better footing than the person now sought to be inducted and placed, having included in the team to represent the State (person by name Vaisakh Ravi). With regard to the

constitution of the team, it is stated that 5 persons are to be included at levels 1 to 5 and 3 more persons should be included as 'standby'. The person by name, Vaisakh Ravi has been included and placed as the 1<sup>st</sup> standby, which is stated as a slot that ought to have been allotted to the petitioner. It is also pointed out that the petitioner was to face the examinations in respect of the course (Engineering) which was to begin on the 5<sup>th</sup> of November, 2014 and as such, he was not in a position to participate in the 2<sup>nd</sup> phase of the camp. The learned counsel further submits that the alleged insinuation is that the petitioner did not file any application for leave; which in other words would mean that, had he submitted necessary application for leave, he could have been considered, thus showing the fact that attending the camp was not mandatory, to have rated the level of performance of the concerned candidate for being included in the team.

4. The learned Standing Counsel appearing for the

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1<sup>st</sup> respondent submits with reference to the contents of the statement and the materials produced, that participation in the concerned camp was very much essential and sufficient notice was issued to all concerned, pursuant to the intimation given by the Kerala State Sports Counsel, vide Annexure A, dated 15.10.2014. The concerned committee met to select the first State players, including the standby and selected the probable list of candidates as Annexure B wherein the petitioner herein has been included at the 7<sup>th</sup> place, also showing the first standby as Master Vaisakh Ravi. Subsequently, the position was let known to all the District Secretaries, vide Annexure C, and also to the concerned YMCA where the camp was held vide Annexure D, on 28.10.2014. It is stated that all the candidates were informed by the concerned District Secretaries. It was accordingly, that the petitioner was also let known as per the telephone call mentioned above.

5. In the course of arguments, the learned standing counsel for the 1<sup>st</sup> respondent points out that the necessity to attend the camp was specifically highlighted in Annexure C and D. It is pointed out that, if the concerned candidates failed to attend the same, that may lead to their exclusion and that the standby would be inducted. Annexure E is the attendance sheet with regard to the coaching camp, which reveals that the petitioner was admittedly absent and that Mr.Vaisakh Ravi was present. With reference to the last paragraph of Annexure B, as to the scope of consideration of the prize/credentials of the concerned candidates in the State Championship, reference is also made to Annexures F and G to show the credentials of Mr.Vaisakh Ravi, who has not been included as standby No.1. In the said State Championship, the petitioner also participated along with Mr.Vaisakh Ravi, but the petitioner lost the Semi Finals whereas Mr. Vaisakh Ravi could get an entry to the Finals

and because the runner-up, who has been awarded the 2<sup>nd</sup> prize, as borne by Annexure G. This was also one among the different factors considered in favour of Mr.Vaisakh Ravi, apart from the fact that he fully participated in the 2<sup>nd</sup> phase of the coaching camp in which the petitioner admittedly, did not participate. The learned counsel also points out that the proceedings were finalised by the concerned respondent, strictly in conformity with the relevant provisions/norms/guidelines and that there is no plea of malafides as well. This Court finds considerable force in the said submissions.

In the above circumstances, this Court finds that this is not a fit case to call for interference. Interference is declined and the writ petition is dismissed.

Sd/-  
**P.R. RAMACHANDRA MENON**  
**JUDGE**