

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).No. 1683 of 2015 (I)

PETITIONER :

**JIMCYMOL MATHEW, AGED 18 YEARS,D/O.V.S.MATHEW,
VELUTHURUTHEL HOUSE, MUTTAR VILLAGE,
KUTTANADU TALUK, ALAPPUZHA - 689 574.**

**BY ADVS.SRI.ABDUL JALEEL.A
SMT.M.A.SULFIA**

RESPONDENT(S):

- 1. CHIEF MINISTER OF KERALA/CHAIRMAN OF NATIONAL GAMES,
35TH NATIONAL GAMES KERALA,
NATIONAL GAMES ORGANIZING COMMITTEE (NGOC),
CHANDRASEKHARAN NAIR STADIUM, PALAYAM,
THIRUVANANTHAPURAM- 695 033**
- 2. PRESIDENT, KERALA STATE SPORTS COUNCIL,
THIRUVANANTHAPURAM - 695 001.**
- 3. KERALA RACE BOATS AND AMATEUR ROWING ASSOCIATION,
ALAPPUZHA - 688 001. "MANJUSHA", CHATHANADU,
ALLEPPEY - 688 001, KERALA REPRESENTED BY ITS SECRETARY.**
- 4. SECRETARY, KERALA RACE BOATS AND AMATEUR
ROWING ASSOCIATION, "MANJUSHA",
CHATHANADU, ALLEPPEY - 688 001.**
- 5. TEAM MANAGER, 35TH NATION GAMES ROWING TEAM,
"MANJUSHA", CHATHANADU, ALLEPPEY - 688 001.**

R1 BY ADV. SRI.SREELAL N.WARRIER

R2 BY ADV. SMT.LATHA KRISHNAN, SC, KERALA STATE SPORTS COUNCIL

R3 & R4 BY ADV. SRI.S.SANTHOSH KUMAR

SMT.P.LISSY JOSE.

SRI.S.VINODKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 1683 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- THE TRUE COPY OF THE CERTIFICATE REVEALING THE TALENTS/STARDOM
OF THE PETITIONER**
- P2- THE TRUE COPY OF THE PHOTOGRAPH REVEALING THE TALENTS/
STARDOM OF THE PETITIONER**
- P3- THE TRUE COPY OF THE REPRESENTATION DATED 8.1.2015 FILED BEFORE
1ST RESPONDENT**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 1683 of 2015

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Dated, this the 29th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(a) To issue a writ of mandamus or any other appropriate writ, order or direction and command respondents to reinstate the petitioner to the Kerala Rowing Team enabling her to participate in the forthcoming 35th National Games.

(b) To issue a writ in the nature of mandamus or any other appropriate writ, order or direction to respondents to consider and pass orders in Exhibit P3 at the earliest so as to provide the petitioner a chance to display her talents and skills before the world in the forthcoming National Rowing event to be held from 30.01.2015

(c) Grant such other and further reliefs as are deemed just and necessary considering the facts and circumstances of the case.

2. Pursuant to the notice on admission ordered to the respondents 3 to 5, the respondents 3 and 4 have chosen to enter

appearance through Sri. Sreelal Warriar. Heard the learned counsel for the petitioner, Smt. Letha Krishnan, the learned standing counsel for the sports council and the learned counsel appearing for the respondents 3 and 4.

3. The grievance of the petitioner is mainly in respect of exclusion of the petitioner from the team representing the Kerala in the 35th National Games 2015. The petitioner contends that she is a highly talented and skilled athlete having won several awards. Exclusion of the petitioner is stated as based on a wrong selection procedure and that no proper opportunity is given to the petitioner to substantiate her skills and credentials. Since Ext. P3 representation preferred before the first respondent did not come to be acted upon, she has approached this Court by filing the present writ petition.

4. The learned standing counsel appearing for the sports council submits that there is absolutely no merit or bonafide in the writ petition and that the petitioner did not get qualified to be included in the process of selection. The learned counsel appearing for the respondents 3 and 4 submitted on 20th January 2015, when the matter was listed before this Court, that coaching camp was going on and that 45 candidates including the petitioner

were attending the same and further that final selection would be held the next day (21.01.2015).

5. The learned counsel for the respondents 3 and 4 submits that the petitioner, though participated in the final selection, could not come through and was not qualified. The learned counsel for the petitioner points out that the petitioner was paired with one Miss. Aswini and when the petitioner was excluded, the said person by name Miss. Aswini has been included to represent the State team. The respondents 3 and 4 placed a copy of final selection minutes and trials held on 21st January 2015. It is revealed from the said proceedings that the selection committee consists of six members of proven ability and experience and that the selection was conducted in a transparent manner. It is stated that in view of the particular nature of the event, wherein participation of two candidates is necessary, option was given to all candidates to choose her partner. The petitioner gave option to be paired with Miss.Aswini, whereas the Miss Aswini opted to be paired with one Miss. Anjali Raj. In the selection trial, the petitioner joining hands with Miss Aswini in respect of womens coxless pair, could reach the target with a score of 9.23.94 and nobody else in the team had opted to be paired with the petitioner. As far as Miss

Aswini is concerned, she had to be given a further chance to be tested with her chosen partner Miss Anjali Raj. The said team could reach target with the score 9.19.46. It was in the said circumstances, that person by name Miss Aswini was included in the team to represent the State having met the prescribed cut off figures, whereas the petitioner failed to meet the requirement. It is also pointed out that, sister of the petitioner by name 'Jitty Mathew' was a participant in the 'Womens Single Scull' and by virtue of proper merit rating, having achieved the target by obtaining the score 9.57.09, she has been included in the team. The learned standing counsel for the respondents 2 and 3 submits that, this by itself is a pointer to show that there was absolutely no malafides in the selection process and it has been conducted in a fair and transparent manner.

Considering the facts and circumstances, this Court does not find any tenable ground to interfere. Interference is declined and the writ petition is dismissed.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

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