

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

WRIT PETITION No.23081 OF 2015

S.Shanthi

..Petitioner

Vs.

1. State of Tamil Nadu
Rep. by its Secretary to Government,
Dept. of Youth Welfare and Sports Development,
Fort St.George,
Chennai - 600 009.

2. The Principal Secretary/Member Secretary,
Sports Development Authority of Tamil Nadu
Chennai - 600 084.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider and pass appropriate orders granting the requisite relaxation of educational qualification to the petitioner and appointment the petitioner in the regular post of Coach under the 2nd respondent - Authority.

For Petitioner : Mr.S. Sathia Chandran
For Respondents : Mr.S. Gunasekaran
Government Advocate

O R D E R

The petitioner is a well known sports personality. She participated and won more than 50 State medals and 50 National medals for the State of Tamil Nadu. The petitioner won the 800m Silver medal for India at Asian Games. The petitioner was appointed as a Coach on contract basis at Mayiladuthurai.

2. The Director General of Sports Authority of India addressed a letter dated 06.06.2013 to the Chief Secretary of the Government of Tamil Nadu recommending to provide her financial assistance to meet the expenses for pursuing NIS Diploma course at SAI, Bangalore. Based on the assistance provided by the State, the petitioner completed NIS Diploma course in Sports Coaching at Sports Authority of India at Bangalore during the year 2013 - 2014.

3. The petitioner possesses Higher Secondary and NIS Diploma, from SAI, Bangalore.

4. The second respondent has issued a notification calling for application to fill up the post of Coach. There are 38 vacancies. Last date for submission of application is on 29.04.2015.

5. It is useful to refer the Educational qualifications and Technical qualifications which are required for the post of Coach as follows;

" (i) Educational Qualification

Any Bachelor's Degree of not less than 3 years duration from any University; and

(ii) Technical Qualification

1. A Diploma / Certificate in Coaching of not less than 10 months duration issued by National Institute of Sports, Sports Authority of India in the irrespective of any discipline.

2. Must have represented the Tamil Nadu State in National School Games Federation Competitions or National Championships/ Competitions at Junior Level or Senior Level organized by the respective National Federations or National Games or represented any University in Tamil Nadu in the Inter-University National level competitions. "

6. That is, the post of the Coach requires qualification of any Bachelor's Degree from any University besides, Diploma in National Institute of Sports, Sports Authority of India and also should have participated in the Tamil Nadu State in National School Games Federation Competitions.

7. The petitioner has averred in paragraph - 16 of the affidavit as follows:

" 16. I state that on coming to know the same, on 27.04.2015, I approached the then Member Secretary⁷ of the 2nd REspondent Authority Mr.Shambhu Kallollikar IAS, in -person and appealed to him to offer me a Coach post considering my Sports achievements as a special case. Fortunately, he positively responded and got a Proforma prescribed for the post filled up and signed by me. Thereafter, he assured me that he would consult the Government and take positive steps to appoint me as a Coach. However, about a fortnight ago, he was transferred."

8. The petitioner has filed this writ petition to consider and pass appropriate orders granting the requisite relaxation of educational qualification under the facts and circumstances of the case to appoint the petitioner as a Coach in the second respondent Authority.

9. The petitioner is a well-known sports personality and also earned laurels to the State, as she participated in National and International sports events and won so many medals.

10. The fact is that she cannot be appointed as Coach, as per the notification, since she does not possess the prescribed qualification, namely, a Degree.

11. In my view, one can take note of the fact that the Government exercises its power to relax qualification, age, etc., that is prescribed in the Rules, if necessary, in so many matters.

12. At this juncture, it is useful to refer to my judgment in Nurses recruitment in M.P.Nos.2 and 2 of 2015 in W.P.Nos.16774 and 17039 of 2015 dated 15.07.2015, wherein, I have held that the Government is correct in relaxing the age for recruitment of Nurses. In that case, relaxation in respect of maximum age was granted thereby permitting candidates to apply for the post of Nurses upto 58 years, while the age of retirement itself is 58 years. It is pertinent to note that the recruitment Rule prescribes only 32 years as the maximum age for seeking employment. Taking into account the facts of the case, I held that the Government was justified in exercising its power to relax the maximum age.

13. Furthermore, in this case, the petitioner was also appointed as a Coach under contract basis. That is, she served as a Coach. That could also be taken note of by the State.

14. Yet another circumstance is that the State Government extended financial assistance for the studies of the petitioner to pursue NIS Diploma Course at SIA, Bangalore, which is required qualification for the post of Coach and she acquired the requisite qualification.

15. In these circumstances, I am of the view that it is a fit case, wherein, the Government could exercise its power to relax the qualification, taking into account, the aforesaid facts and more particularly, the experience of the petitioner in the field of sports.

16. For all the aforesaid reasons, the writ petition is disposed of directing the respondents to consider and pass appropriate orders granting requisite relaxation of educational qualification to the petitioner for appointment to the post of Coach within a period of four weeks from the date of receipt of a copy of this order and till

the passing of the order, a further direction is issued to the respondents to keep one post of Coach vacant in the second respondent Authority. No costs.

sms/gg

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Secretary,
Dept. of Youth Welfare and Sports Development,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
2. The Principal Secretary/Member Secretary,
Sports Development Authority of Tamil Nadu
Chennai - 600 084.

+ 1 cc to Govt.Pleader SR 39804

+ 1 cc to Mr.S.Sathiachandran, Advocate SR 39346

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