

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2017

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THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.26096 of 2017

and

WMP Nos.27724 & 27725 of 2017

C.Binu Acquito
S/o. Sri.C.Chandrasekharan

... Petitioner

vs.

1. The Principal Secretary / Member Secretary

Sports Development Authority of Tamil Nadu
116-A, Periyar EVR High Road,
Nehru Park, Chennai-600 084.

2. The Stadium Officer
Jawaharlal Nehru Stadium
Sydenhams Road, Periamet,
Chennai-600 003.

....Respondents

Writ Petitions filed under Article 226 of Constitution of India, to issue a Writ of certiorarified Mandamus, to call for the records of the proceedings bearing R.C.No.3451/S.11/2017 dated 29.08.2017 on the file of the first respondent and to quash the same as illegal and without jurisdiction and to consequently direct the respondents to access the training facilities at the Jawaharlal Nehru Stadium, Periamet, Chennai.

For Petitioner : Mr.Sharath Chandran

For Respondents : Mr.I.Satish for R1
R2 - No appearance

W E B C O P Y
O R D E R

The petitioner is aggrieved against the communication dated 29.08.2017, issued by the first respondent in not permitting the petitioner, who is an Athlete, to do practice and coaching in Jawaharlal Nehru Stadium, Chennai, on the reason that the petitioner has failed in Dope Test and thus became ineligible for two years with effect from 09.12.2015 as per the report of NADA (National Anti Doping Agency).

2. Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

3. It is seen that the petitioner was imposed with ban for four years which got reduced to two years in the appeal filed against the original order of ban. There is no dispute to the said fact. The said two years ban admittedly, comes to an end on 08.12.2017. However, according to the petitioner, as per Article 10.12.1 of NADA (National Anti Doping Agency) Rules, the petitioner may return to train with a team or to use the facilities of a club or other member organization of NADA's member organization during the shorter of (1) the last two months of the Athlete's period of ineligibility or (2) the last one-quarter of the period of ineligibility imposed. The relevant clause is extracted hereunder:

"As an exception to Article 10.12.1, an Athlete may return to train with a team or to use the facilities of a club or other member organization of NADA's member organization during the shorter of : (1) the last two months of the Athlete's period of ineligibility, or (2) the last one-quarter of the period of ineligibility imposed."

4. Therefore, based on the above said exception clause, the petitioner seeks to set aside the impugned order by contending that he is eligible to train during the last one-quarter of the period of ineligibility imposed i.e. from 09.06.2017.

5. The above claim of the petitioner is opposed by the respondents by filing a counter affidavit by pointing out that the petitioner has suppressed certain materials facts while obtaining direction during the ban period of four years and therefore, the petitioner should not be shown any indulgence. But admittedly, the respondents have given such permission for the petitioner to train during such ban period. However, it is contended such permission was obtained based on suppression of materials facts. In any event, as the said clause 10.12.1 as extracted supra, entitles, the petitioner to return to train during the last one-quarter of the period of ineligibility imposed and which has last one-quarter commences from 09.06.2017, I am of the view that the respondents can consider such request of the petitioner and pass appropriate orders provided, the petitioner makes an application along with relevant documents before the concerned authorities. A counter affidavit filed by the second respondent also indicated the same stating such request will be considered and appropriate orders will be passed as stated in the Paragraph No.10 of the counter affidavit, which reads as follows:-

"I further submit that if the petitioner applies with relevant documents the same will

be considered on merits and appropriate orders will be passed provided the petitioner given an undertaking that he will not coach or train young athletes in the stadium and use the stadium for his own training purpose."

6. Considering the above stated facts and circumstances, this writ petition is disposed of, by granting liberty to the petitioner to make appropriate representation / application within a period of seven days from the date of receipt of a copy of this order. On receipt of such representation / application, the respondents shall consider the claim of the petitioner, in the light of the above said Clause 10.12.1 and pass appropriate orders, within a period of two weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary / Member Secretary

Sports Development Authority of Tamil Nadu
116-A, Periyar EVR High Road,
Nehru Park, Chennai-600 084.

2. The Stadium Officer
Jawaharlal Nehru Stadium
Sydenhams Road, Periamet,
Chennai-600 003.

+1cc to the Government Pleader, S.R.No. 81732
+1cc to Mr.I.SATISH Advocate, S.R.No. 81356
+1cc to Mr.GOVIND CHANDRASEKHAR Advocate, S.R.No. 82206

W.P.No.26096 of 2017

PPA (CO)
TR(20/11/2017)