

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-09-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.16858 of 2017

T.Devi Selvam,
General Secretary,
Tamilnadu Physical Education Teacher-
physical Director Association,
No-4,B-1 Sri Mahalakshmi Apartments,
Adambakkam,Chennai-88.

...Petitioner

Vs

- 1.The Secretary to Government,
School Education Department,
Fort St.George,Chennai-9.
2. The Director of School Education,
DPI Campus, College Road, Chennai-6.
3. The Chief Inspector of Physical Education,
DPI Campus,College Road,Chennai-6.

..... Respondents

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing 1st and 2nd respondents to consider and pass appropriate orders on the representation dated 20.06.2017 made by the petitioner to reschedule the time issued for the games meet for school students by extending the closure date till the end of August, 2017.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.Anandhamoorthy
Additional Government Pleader

O R D E R

The Petitioner is working as Physical Education Teacher in the Government Madrasa-I-Azam Higher Secondary School, 779, Anna Salai, Chennai, for the past 19 years.

2.The School students participate in the Zonal Level Team - Caroom, Athletics and Chess under the age group of 14, 17 and 19 by dividing in stages.

3.The sports discipline meets are scheduled to be conducted before the school admission itself as the supplementary examinations for the X and XII standards students are to be conducted in the month of July, 2017 and the results are to be announced in the month of August 2017. Without giving any opportunity to the students, who are attending supplementary examination, the date has been fixed for Zonal Level competition from June 2017 onwards, which is contrary to the last year schedule.

4.Mr.S.T.Sundaravadanam, learned counsel appearing for the petitioner would submit that paragraph 19 of the proceedings of the Director, School Education, dated 19.08.2013 makes it very clear about compulsory participation of students and that no students should be denied the chances of participation in the sports and games competition for any reasons.

5.Therefore, he would submit that in violation of the proceedings of Directorate of School Education, dated 19.08.2013 and contrary to the schedule fixed in the last year, the Schedule has been fixed commencing from 17th June 2017 only to help private schools and thereby, denying chances to the supplementary students and also for the government school students. Hence the Petitioner made a representation to reschedule, so that the supplementary students would also participate. The said representation dated 20.06.2017 has not been considered and hence, the petitioner is constrained to move this Court by way of writ petition.

6.On the other hand, Mr.V.Anandhamoorthy, learned Additional Government Pleader would submit that the petitioner himself participated in the meeting conducted by the Inspector of Physical Education on 10.04.2017 and only in the said Meet the schedule has been fixed. The learned Additional Government Pleader would further submit that the petitioner himself was assigned the work to publish the sports news in the students magazines and the said information has been given to the petitioner by virtue of proceedings dated 13.04.2017. Having participated in the meeting, the Petitioner cannot ask for reschedule the same stating that Muslim students are unable to participate

7.Heard the submissions made by the learned counsels in this regard and perused the records.

8.No doubt, every student should take part in the sports and games competition. At the same time, it cannot indefinitely wait for somebody with a hope that they will come and participate.

9.The petitioner case is that the students who are writing the supplementary examination would be deprived of the chances as the results are sought to be declared only in the month of August. The said contention perse is wrong. A perusal of last year Zone Sports Meet 2015-16 and thereby conveying that the reception of application proceed July 2015.

10. This year also the schedule is as follows:-

Last date for submission of entry forms for teach games :	
22.06.2017	
Fixtures Meeting at Presidency Girls Hr. Sec. School, Egmore, Chennai - 08	:
23.06.2017	
Last date of submission of Athletic & Chess	:
03.07.2017	

11.The competition shall commence on 14.07.2017. The comparison of both the schedules viz., last year and this year would reveal that there is no variation in the dates, except one or two days and therefore, it cannot be contended that this year schedule is in violation of the last year schedule.

12.There is no doubt violation of the proceedings of the Director of School Education, Chennai - 6 dated 19.08.2017 as the schedule is in compliance with the last year schedule.

13.Finally the conduct of the petitioner is highlighted by Mr.Anandhamoorthy, learned Additional Government Pleader has been looked into very seriously. Because he himself participated in the meeting convened by the Inspector of Physical Education on 12/04/2017 and there has been assigned with the work of publishing the news regarding Sports and Games in the students magazines as revealed in the proceedings dated 13.04.2017.

14.Being a party to the proceedings, the Petitioner cannot rush to this Court on flimsy and imaginary grounds stating that the event has to be rescheduled only to help the supplementary students. There is no prohibition for the Muslim students to participate provided they are qualified to participate in the event.

15.The allegations made by the petitioners that more

private school students would participate and less Government School Students would participate because of the present schedule is proved to be wrong as Mr.V.Anandhamoorthy produced a list of the number of students belonging to both private schools as well as government schools which prove that about:-

- (i) 584108 boys students from Government Schools;
- (ii) 327440 boys students from Government Aided Schools;
- (iii) 598256 boys from Matriculation schools;
- (iv) 469716 girls from Government Schools;
- (v) 260747 girls from Government aided Schools; and
- (vi) 432650 Girl students from Matriculation schools;

participated. Therefore, the said contention also fails and dismissed. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

vum/maya

To

1. The Secretary to Government,
School Education Department,
Fort St. George, Chennai-9.
2. The Director of School Education,
DPI Campus, College Road, Chennai-6.
3. The Chief Inspector of Physical Education,
DPI Campus, College Road, Chennai-6.

+1cc to Mr.T.Sundaravadanam, Advocate SR.No.68808

+1cc to Government Pleader SR.No.69416

W.P.No.16858 of 2017

GMV (25/09/2018)