

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.10.2018
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 3598 of 2013
and
M.P. No. 1 of 2013

Tamil Nadu Cultural Organisation Federation
Rep. by its General Secretary
Kalarani
Having its office at
A-1, New Housing Board Quarters,
Near New Bus terminus,
Tharapuram - 638 656
Tirupur District.

....Petitioner

Vs

- 1.National Aids Control Organisation
Dept.of Aids Control
Rep.by its Secretary
Ministry of Health and Family Welfare
Govt.Of India,
6th and 9th floor, Chanderlok Building,
No.36,Janpath road,
New Delhi - 110 001.
- 2.The State of Tamil Nadu,
Rep.by its Chief Secretary,
Secretariat,
Fort St.George,
Chennai - 600 009.
- 3.Health and Family Welfare Department,
Rep by its Secretary,
Ministry of Health and Family Welfare,
Govt.of Tamil Nadu
Secretariat, Fort St.George,
Chennai - 600 009.
- 4.Tamil Nadu State Aids Control Society,
Rep by its Project Director and Member Secretary,
No.417, Pantheon road,
Egmore,
Chennai - 600 008.

5.The Commissioner,
Art and Culture,
Tourism and Culture Department,
Tamil Development office II floor,
Halls Road, Egmore,
Chennai - 600 008.

6.Alternative Media Centre,
Rep by kalesswaran,
No.32/38, II floor, Vinayagapuram,
Pradanasalai,
M.M.D.A.Colony,
Arumbakkam,
Chennai.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus to direct the 2nd respondent to consider and dispose of the representation dated 28.12.2012 within the time frame fixed by this Court to issue necessary directions to the 3rd and 4th respondents to select Consultants, Master Trainers and Teams from the traditionally trained artists through the 5th respondent.

For Petitioner : Mr.V.A.Dhana Aravindha Balaji

For Respondents : Mrs.A.Shrijayanthi
Special Government Pleader for
RR2, 3 and 5

Mr.M.Loganathan for R1 and 4

Mrs.A.Karal Mozhi for R6

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 2nd respondent to consider and dispose of the representation, dated 28.12.2012, within the time frame fixed.

2. The learned counsel appearing on behalf of the writ petitioner states that the petitioner is Tamil Nadu Cultural Organisation Federation and they are performing Folk Arts in the State at various places. The members of the petitioner's association are registered their names with the 5th respondent./ Commissioner of Arts and Culture. Their grievances are that the 4th respondent is engaging Folk Artists without consulting the 5th respondent and therefore, the poor Folk Artists, who have already registered their names with the 5th respondent are unable to get opportunity to perform in public programmes. At the outset, the petitioner is of the opinion that the selection for

training programmes are to be done with the consultation of the 5th respondent and by providing equal opportunity to all the Folk Artist, who all are performing their skills, which is the only livelihood for these poor Folk Artists.

3. This Court is of an opinion that when several persons were registered their names with the 5th respondent for getting an opportunity to participate in cultural programmes, the 5th respondent being a "State" is duty bound to provide opportunity equally to all the persons. Equal opportunity of similarly placed persons, who all are eligible to perform the cultural programmes is the constitutional mandate and there cannot be any discrimination or denial of opportunity amongst the equals. The petitioner is equally abled Folk Artists and registered their names with the 5th respondent. Thus, the 4th respondent has to engage the trainees only in consultation with the 5th respondent and the 5th respondent also should suggest the names on rotational basis to ensure that all the Folk Artists are able to get opportunity without any discrimination.

4. The learned counsel for the respondents states that the engagement of folk artists are being done only with the consultation of the 5th respondent. The said argument has been reflected in the counter in para 8, which reads as under:

With regard to Para 6 it is specifically denied that the 4th Respondent has selected unqualified folk artist without consulting the 5th respondent and states that the selection of folk artist was done only in consultation with the 5th respondent vide the list furnished by them.

5. When the respondents agreed that they will engage the Folk Artist only with the consultation of 5th respondent / Commissioner of Arts and Culture, no further orders are required and respondents are bound to follow the same scrupulously and provide opportunity to all the eligible and similarly placed Folk Artists enabling them to get opportunity. The said procedure is to followed in all regional levels in the State of Tamil Nadu.

6. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//
Sub Assistant Registrar

vsi2/jas

To

1.The Secretary

National Aids Control Organisation
Dept.of Aids Control
Ministry of Health and Family Welfare
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Chanderlok Building,
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2.The Chief Secretary,

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3.The Secretary,

Health and Family Welfare Department,
Ministry of Health and Family Welfare,
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Alternative Media Centre,
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Pradanasalai,
M.M.D.A.Colony,
Arumbakkam,
Chennai.

+lcc to Mr.M.Loganathan, Advocate, S.R.No.72762

+lcc to Mr.V.A.Dhana Aravindh Balaji, Advocate, S.R.No.72101

+lcc to the Government Pleader, S.R.No.72438

W.P.No.3598 of 2013

VSNI(CO)

GSP(13/11/2018)