

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.S.SUNDAR

Writ Petition No.17947 of 2018

Minor Harini.V

Represented by her mother Varalakshmi,
Daughter of V.Subramani,
Aged about 42 years
Residing at No.A10, TNHB Quarters,
Kancheepuram

... Petitioner

Vs.

1. The Chairman,
Admission Committee (UG)
TANUVAS, Madhavaram Milk Colony,
Chennai-600 051.
2. The Sports Development Authority of Tamil Nadu,
Rep. by its Member Secretary,
No.116-A, Periyar E.V.R.High Road,
Nehru Park, Chennai-600 084.
3. The Indian Olympic Association,
Rep. by its Secretary General,
Gate No.25, Jawaharlal Nehru Stadium,
New Delhi-110 003.
4. The Union of India,
Rep by its Secretary,
Ministry of Youth Affairs & Sports,
Shastri Bhavan, New Delhi-110 001.

... Respondents

Prayer:

This Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of declaration, declaring the action of the 1st respondent in not considering the Highest achievement certificates submitted by the petitioner as per the following:-

(i). 8th State Level Soft Tennis Championship 2014-15-II place (65 marks)

(ii). 9th State Level Soft Tennis Championship 2015-16-III Place (65 marks)

(iii). International WUSHU Championship, Form I (Silver) for the academic year 2016-17 (450 marks);

(iv). 14th State WUSHU Championship 2017-18, I place (95 marks);

and to award marks accordingly for admission to the course of Bachelor of Veterinary Science & Animal Husbandry-BVSC & AH (5 years). Tamil Nadu Veterinary and Animal Sciences University, Chennai, for the academic year, 2018-19 under Sports Quota, Girls as illegal and consequently to direct the 1st respondent to award 675 sports marks to the petitioner for admission to Bachelor of Veterinary Science & Animal Husbandry-BVSC & AH (5 years) Tamil Nadu Veterinary and Animal Science University, Chennai, for the academic year, 2018-19 under Sports Quota, Girls.

For Petitioner : Mr.T.Sai Krishnan
For R1 : Mr.S.Vijaya Kumar
For R2 : Mr.I.Sathish
For R4 : Ms.Sunitha Kumari
Senior Panel Counsel

O R D E R

This writ petition has been filed for issuance of Writ of declaration, declaring that the action of the first respondent in not considering the Highest achievement certificates namely four certificates mentioned in the affidavit filed in support of this petition is illegal and consequently to direct the first respondent to award 675 sports marks to the petitioner for admission to Bachelor of Veterinary Science and Animal Husbandry-BVSc & AH (5 years course) in Tamil Nadu Veterinary and Animal Science University for the academic year 2018-2019 under Sports Quota (Girls).

2. The brief facts which are necessary for disposal of the above writ petition are as follows:

The petitioner is a minor girl represented by her mother. The petitioner has applied to the course of BVSc & AH for the academic year 2018-2019 under Sports Quota along with certificates to show her credentials. The petitioner claims to have participated in the 8th State Level Soft Tennis Championship for 2014-2015 and secured third place. The petitioner has also participated in the 9th State Level Soft Tennis Championship for 2015-2016 and secured third place. The petitioner states that she is entitled to have 130 marks. Similarly the petitioner states that she is an active sports personality in the game

WUSHU which is also duly recognised by the Indian Olympic Association and Ministry of Youth Affairs and Sports, Government of India. Since WUSHU is also a recognised sport, the petitioner is entitled to get marks for her participation in an International event in the Country Armenia Yerevan (Europe). It is further stated that though the petitioner is entitled to get 675 marks, the petitioner was placed 15th rank and was only given 250 marks. The certificate produced by the petitioner for participation of an international event in WUSHU Championship was not considered by the respondents. The reason stated by the respondents cannot be ignored. As per the prospectors, regarding International Tournaments, a sports personality is entitled to be considered under Category No.1, if he or she participate in Olympics or World Cup or Common Wealth Games or Asian Games. A sports personality will be classified under category No.2, if he or she participate in any International event where atleast six Countries participate.

3. The learned counsel appearing for the 2nd respondent has produced before this Court a letter submitted by the petitioner to the first respondent dated 26.06.2018. In this letter, the petitioner has in unmistakable terms admitted that three Countries who are supposed to participate have not participated in the event and they were absent. It is categorically stated that out of seven Countries, only four Countries have participated in the International Tournament. Though, the petitioner secured third position in the International event, she is not entitled to get any marks for being participated in the International event for the simple reason that the event in which she participated and secured third position do not fall under category No.2. It is admitted that only four Countries have participated. Hence, she is not entitled to get 450 marks as claimed by the petitioner for her participation in an international event.

4. The learned Counsel for the petitioner relied upon the judgment of this Court in the case of Minor Rogith Kumar.B vs The Chairman in W.P.No.17946 of 2018.

4.1. In the judgment relied upon by the petitioner, the question was whether the petitioner therein is entitled to get marks awarded for participation of State Level Tournaments conducted by Tamil Nadu Soft Tennis Association which was not recognised during the relevant period. This Court after appreciation of facts found that the Tamil Nadu Soft Tennis Association was active and there is no document to prove that the Tamil Nadu Soft Tennis Association was de-recognised or disaffiliated for the specific period. The petitioner therein was entitled to 175 marks which was not awarded by the first respondent in that writ petition. Taking note of the judgment

above referred to, it is stated that the petitioner is also entitled to 65 marks each for the State Level Tournaments conducted by Tamil Nadu Soft Tennis Association for her participation. Unfortunately, in this case even after adding 130 marks, the petitioner's rank is 9th. Assuming that the petitioner is given 130 marks in addition to the marks secured by the petitioner in the sports events, the petitioner is not eligible, as only two seats are available for girls under the sports quota. The petitioner being 9th candidate may not come within the zone of consideration. Therefore, the petitioner is not entitled to any relief in the writ petition.

5. In the result, the Writ Petition is dismissed. No Costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bsm

To

1. The Chairman,
Admission Committee (UG)
TANUVAS, Madhavaram Milk Colony,
Chennai-600 051.
2. The Member Secretary,
The Sports Development Authority of Tamil Nadu,
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3. The Secretary General,
The Indian Olympic Association,
Gate No.25, Jawaharlal Nehru Stadium,
New Delhi-110 003.
4. The Secretary,
The Union of India,
Ministry of Youth Affairs & Sports,
Shastri Bhavan,
New Delhi-110 001.

+1cc to Ms.Sunitha Kumari, Advocate, S.R.No.64063
+1cc to Mr.I.Sathish, Advocate, S.R.No.64230
+1cc to Mr.T.Sai Krishnan, Advocate, S.R.No.64257
+1cc to Mr.S.Vijaya Kumar, Advocate, S.R.No.64302

W.P.No.17947 of 2018

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cs/09/10/2018