

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.31617 of 2004
and WPMP.No.779 of 2009

A.Arulswamy

... Petitioner

Vs.

1. The Union of India rep. by the Secretary to the Government of India, Ministry of Sports and Youth Affairs, New Delhi.
2. The Director, Netaji Subas National Institute of Sports, Moti Bagh, Patiala 147001.
3. The Member Secretary, Sports Development Authority of Tamil Nadu, Poonamallee High Road, Chennai 600 008.

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to issue the Diploma Certificate of Volley Ball on par with similar participants, underwent regular course with him so as to enable the petitioner to take up the matter before the 3rd respondent towards regulation of salary, other terminal and consequential benefits.

For Petitioner : Mr.A.Natarajan,
for M/s.Ayyar & Iyer Advocates

For Respondents : No Appearance.

O R D E R

This petition has been filed for issuance of a Writ of Mandamus, directing the 2nd respondent to issue Diploma Certificate on Volley Ball to the petitioner herein.

2. Heard the learned counsel for the petitioner.

3. When the matter was listed on 18.02.2019, there was no representation for the respondents and therefore, the name of the learned Additional Solicitor General was directed to be printed in the cause list for the respondents. When the matter was listed on 27.02.2019, even on that day, there was no representation for the respondents. Hence, in order to pass final orders, the matter is listed today under the caption "for orders". Today also, there is no representation for the respondents. As such, it can only be inferred that the respondents have no remarks to offer to the grounds raised by the petitioner herein.

4. It is the case of the petitioner that he had retired on 30.04.1989 as Volley Ball Coach from District Sports Council of the Nilgiris under the third respondent herein. During his service, he was deputed to the second respondent in the year 1967-68 for regular course in the Volley Ball. When other participants, who were similarly placed like the petitioner, had undergone Volley Ball course, they were issued with Regular Certificates / Diploma Certificates, whereas the petitioner was not issued with such a Diploma Certificate. When similarly placed participants had been issued with a relevant certificate for having undergone the course in Volley Ball in 1967-68 under the second respondent herein, the denial of the same to the petitioner would amount to discrimination and as such, this Court would be justified in issuing direction to the second respondent to issue the certificate.

5. In the light of the above observations, there shall be a direction to the second respondent to issue Diploma Certificate in Volley Ball to the petitioner herein evidencing him of having undergone the course in Volley Ball under the second respondent during the relevant period 1967-68. Such an exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. In case, the petitioner is entitled for any monetary benefits, pursuant to the issuance of the certificate, it is open to the petitioner to make appropriate claim before the concerned authorities.

6. With the above observations and directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

pvs

To

1. The Secretary to the Government of India,
The Union of India
Ministry of Sports and Youth Affairs,
New Delhi.
2. The Director,
Netaji Subas National Institute of Sports,
Moti Bagh,
Patiala 147001.
3. The Member Secretary,
Sports Development Authority of Tamil Nadu,
Poonamallee High Road,
Chennai 600 008.

+lcc to Mr.Ayyar & Iyer, Advocate SR.No.23465

W.P.No.31617 of 2004

GMV (18/03/2019)

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