

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.4433 of 2021

P.Gnanaprabhu

... Petitioner

Vs.

1. Union of India
rep. by its Secretary to Sports
Ministry of Youth Affairs and Sports
Room No.401, C Wing, Shastri Bhawan
New Delhi.
 2. The Member Secretary
Sports Development Authority of Tamil Nadu
No.116-A, EVR Periyar High Road
Nehru Park, Chennai - 600 084.
 3. The District Collector
Collector's Office
Salem.
 4. The Amateur Soft Tennis of India
rep. by its Secretary General
818/33/1, Laxmipura, Near Ankur Mill
Gitamandir Road, Ahmedabad - 380 022.
 5. The Tamil Nadu Soft Tennis Association
rep. by its Secretary, Sembannan
2/94, Geetha Nagar
Salem Steel Plant
Salem - 636 030.
 6. The Tamil Nadu Soft Tennis Association
rep. by its President, K.Arjunan
M.G.Road, New Fairlands
Salem - 636 016.
 7. S.R.Abishek
 8. V.S.Arun
 9. S.Sujeeth
 - 10.T.Hamrutha
 - 11.K.Swetha
- ... Respondents

Prayer: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 4 herein to initiate action against the fifth respondent association for the fraudulent activities being done in the selection of candidates for Championships State, National and International Championships for Soft Tennis.

For the Petitioner	: Mr.AR.L.Sundaresan Senior Advocate for M/s.AL.Ganthimathi
For the Respondents	: Ms.N.K.Nithilavani, CGSC for 1 st respondent
	: Mr.Thamilpriyan for 2 nd respondent
	: Mr.P.Muthukumar State Government Pleader for 3 rd respondent
	: Mr.T.R.Rajagopalan Senior Advocate for Ms.P.Veena Suresh for 4 th respondent
	: Ms.K.Priya for respondents 5 and 6
	: No appearance for respondents 7 to 11

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The matter pertains to certain participants sponsored by the State or the relevant association of the State to participate in the 13th Sub-Junior National Soft Tennis Championship.

2. The allegations made in the petition pertain to certain players having been favoured on grounds of nepotism to enable such players to undeservingly obtain certificates pertaining to participation at a national-level meet despite being overaged for the relevant tournament. The real dispute pertains to the notification as to what should have been the age of the players participating in the 13th Sub-Junior National Soft Tennis Championship 2019-20. There are some murmurs that since the 13th Sub-Junior National Soft Tennis Championship could not be conducted as players from all States were selected and sent

to the 16th World Soft Tennis Championship at Taizhou, China, it was subsequently decided that players who could not participate in the tournament scheduled in November, 2019 would be allowed to participate in the tournament held subsequently in February, 2020.

3. However, the petitioner maintains that though the circular issued by the fourth respondent stipulates that the players should have been born in or after 2004, despite the tournament being postponed, without following the rules with regard to the age, players aged above 15 were selected and such players participated in the tournament.

4. When the matter was last taken up on August 26, 2021, it was submitted on behalf of the Amateur Soft Tennis Federation of India, the fourth respondent herein, that the national body had been required by the relevant Union ministry to furnish an explanation in respect of the same matter. The order dated August 26, 2021 permitted the petitioner to make a representation to the Union Ministry of Youth Affairs and Sports.

5. Since it now appears that the relevant ministry of the Union has taken up the matter, it may be appropriate to permit the petitioner to carry his grievance to such ministry for the matter to be resolved, including as to whether the certificates that may have been awarded to participants at the relevant tournament, who were aged above 15 years, would be valid or not.

6. W.P.No.4433 of 2021 is disposed of by leaving the primary issue canvassed by the petitioner open and by permitting the petitioner to carry a representation in respect of the matters complained of to the Union Ministry of Youth Affairs and Sports. The Secretary in such ministry should look into the grievances and the point of view of the respondents herein, including the State Association and the National Association, before taking a reasoned decision within a period of twelve weeks of the receipt of the petitioner's representation in such regard. The petitioner's representation must be reached to the Secretary within a fortnight from date.

There will be no order as to costs.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

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To:

1. The Secretary
Ministry of Youth Affairs and Sports
Union of India
Room No.401, C Wing, Shastri Bhawan
New Delhi.
2. The Member Secretary
Sports Development Authority of Tamil Nadu
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4. The Secretary General
Amateur Soft Tennis of India
818/33/1, Laxmipura, Near Ankur Mill
Gitamandir Road, Ahmedabad - 380 022.

+1CC to M/s.AL.Gandhimadhi, Advocate, SR.No. 44363
+1CC to M/s.P.Veena Suresh, Advocate, SR.No. 44348
+1CC to The Government Pleader, SR.No.44301

W.P.No.4433 of 2021

RLD(CO)
B.VC (07/09/2021)