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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

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

W.P.NO.24961 OF 2021

Tamil Nadu Sportsmen Association,
Rep. by its General Secretary,
I.Iyyappan, Chennai - 600 026.

...Petitioner

Vs

- 1.The Government of Tamil Nadu,
Represented by its Chief Secretary,
Secretariat, Chennai - 600 009.
- 2.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Home Department, Secretariat,
Chennai - 600 009.
- 3.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of Youth Affairs and Sports
Development, Secretariat,
Chennai - 600 009.
- 4.The Member Secretary,
Sports Development Authority of
Tamil Nadu, No.116-A,
Periyar - EVR High Road,
Nehru Park,
Chennai - 600 084.
- 5.The Director General of Police,
Kamarajar Salai,
Chennai - 600 004.
- 6.The Additional Director General of Police,
Armed Police,
Chennai - 600 010.

...Respondents



Prayer : Petition filed under Article 226 of The Constitution of India for a Writ of Mandamus directing the respondents to consider the representation of the petitioner's association dated 31.8.2021 and on that basis to honour the valuable international achievements and eminent sports activities of Mrs.S.Kavitha, W/o.S.Arun Prasad (International Women Kabaddi Player cum Coach, Asian Games Gold Medalist/Ex-Indian Women Kabaddi Team Captain) and to give suitable employment to her.

For the Petitioner : Ms.J.Anandhavalli

For the Respondents : Mr.P.Muthukumar,
State Government Pleader
for R1 to R3, R5 and R6.

ORDER

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

The writ petition has been filed to seek a direction on the respondents to consider the representation made by the petitioner - association on 31.8.2021 for grant of suitable employment to the sports persons and, in specific, to Mrs.S.Kavitha, W/o.S.Arun Prasad.

2. It is stated that Mrs.S.Kavitha represented the Women Kabaddi Team at the International level as well as in the Asian Games. She made a representation for grant of suitable employment to recognize her eminent sports activities. She was awarded by the President of India for those activities. Yet, the State Government has not recognized it for grant of employment and, accordingly, the public interest litigation has been filed by the association to espouse the cause of sports persons, whose activities are not being recognized by the State Government for grant of employment. They remain in vulnerable conditions. This is going to disassociate persons from the sports activities. Therefore, the petitioner association has taken up this issue by way of this public interest litigation accordingly praying to allow the writ petition.

3. We have considered the submissions of learned counsel for the petitioner and we find that Mrs.S.Kavitha was given appointment by the fact of paragraph 23 of the affidavit in the following terms :

"I humbly submit that in view of the non-employment now, she and her family leading their life under poverty. The Police



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Department as well as Government has done injustice to her after taking all her service in the sports activities and earned good will and reputation to our State but denied for acceleratory promotion and suitable job opportunity to her, despite several representations on her side. Thereafter, she filed a writ petition before this Hon'ble Court against the order removal from service and the same is pending right from 2016 onwards before this Hon'ble Court."

4. From the above, it is clear that Mrs.S.Kavitha was given appointment with denial of acceleratory promotion. She was thereafter removed from service. A writ petition was filed by her to challenge the order of removal, which is pending consideration before this Court since the year 2016. In view of the above facts, it comes out that Mrs.S.Kavitha was given employment by the respondents followed by an order of removal.

5. In view of the above, it cannot be said that the State had not recognized the sports activities of Mrs.S.Kavitha. It is a further fact that the public interest litigation has been pressed into service matter mainly for the individual rights of Mrs.S.Kavitha whereas a petition of the nature of public interest is not maintainable to espouse the cause of an individual and in service matters, i.e., even to seek appointment or any dispute relating to service, as has been held by the Hon'ble Supreme Court in the cases of Duryodhan Sahu (Dr) V. Jitendra Kumar Mishra, (1998) 7 SCC 273 and Ashok Kumar Pandey v. State of West Bengal, (2004) 3 SCC 349.

6. It is also a fact that if a direction for consideration of the representation is given and rejected and the writ petition preferred by Mrs.S.Kavitha is allowed followed by her reinstatement, it would give rise to conflicting situation. When Mrs.S.Kavitha is pursuing her case to quash the order of removal, simultaneously her representation cannot be considered for appointment.

7. It is also a fact that appointment was accepted by her with a condition that she would not be entitled to acceleratory promotion in absence of required qualification. The condition as aforesaid cannot be challenged by way of the present writ petition even by raising grounds.

8. In view of the above, we do not find the public interest litigation to be maintainable to espouse an individual cause that too in relation to service matters.



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9. With the aforesaid, the writ petition is dismissed. There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

RS/DRM

To:

- 1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.
- 2.The Principal Secretary,
Government of Tamil Nadu,
Home Department,
Secretariat,
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- 3.The Principal Secretary,
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Department of Youth Affairs and Sports Development,
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- 6.The Additional Director General of Police,
Armed Police,
Chennai - 600 010.

+1cc to Government Pleader, in SR.No.60710

[08/04/2022]

W.P.No.24961 of 2021

MG(CO)
RVM(03/12/2021)