

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.17714 of 2022
and WMP Nos.16994 and 16996 of 2022

S.Gopalakrishnan

... Petitioner

Versus

1. Union of India,
Rep by its Secretary to Government,
Ministry of Youth Affairs and Sports,
Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi - 110001.
2. The Chief Executive Officer,
Special Olympics Bharat,
J-4, Lower Ground Floor,
Lajpat Nagar-III,
New Delhi-110024.
3. The Director General,
Sports Authority of India,
Head Office:Jawaharlal Nehru Stadium Complex (East Gate),
Lodhi Road,
New Delhi-110003.
4. The Chief Commissioner of Persons with Disabilities,
Ministry of Social Justice,
Sarojini House,
New Delhi-110001.
5. The Member Secretary,
Sports Development Authority of Tamil Nadu,
Chennai.
6. The State Commissioner of Persons with Disabilities,
Kamarajar Salai,
Chennai-600 005.

7. Acting Area Director,
Special Olympics Bharat-Tamil Nadu,
A3, A4, Golden Fortune,
Nolambur Main Road,
Mogapair West,
Chennai-600 107.
8. The Senior Sports Manager,
Special Olympics - Asia Pacific,
Corporate Office,
Aquatics Complex,
Velachery,
Chennai-600045

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondents more particularly, the 2nd and 7th respondents to conduct the National Swimming Coaching Camp, presently scheduled to be held from 18-7-2022 to 23-7-2022 at Mandya, Karnataka by including the petitioner's son Mr.V.G.Nitin Krishna, as a deserving athlete, interalia, from the State of Tamil Nadu and considering his case strictly in terms of Interim Order dated 20.08.2019 passed in W.P.No.22565 of 2019.

For Petitioner : Mr.T.Ramesh

For Respondents : Mr.T.V.Krishnamachari
For R.1 and R.4
Mr.K.H.Ravi Kumar
Govt.Advocate
For R.6

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents more particularly, the 2nd and 7th respondents to conduct the National Swimming Coaching Camp, presently scheduled to be held from 18-7-2022 to 23-7-2022 at Mandya, Karnataka by including the petitioner's son Mr.V.G.Nithin Krishna, as a deserving athlete, interalia, from the State of Tamil Nadu and considering his case strictly in terms of Interim Order dated 20.08.2019 passed in W.P.No.22565 of 2019.

2. Heard Mr.T.Ramesh, learned counsel for the petitioner and Mr.T.V.Krishnamachari, learned counsel accepts notice on behalf the respondents 1 and 4 and Mr.K.H.Ravi Kumar, learned Government Advocate accepts notice on behalf of

the sixth respondent. By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

3. According to the petitioner, his son Mr.V.G.Nithin Krishna was selected to take part in the National Swimming Coaching Camp, which was earlier scheduled to be held in Mumbai, Maharashtra from 13.02.2022 to 18.02.2022. The said camp was later postponed due to covid related issues and later shifted to Mandya, Karnataka to be held from 18.07.2022 to 23.07.2022. The selection list dated 10.12.2021 has been filed as a document along with this writ petition, which discloses the petitioner's son Mr.V.G.Nithin Krishna in Sl.No.5. According to the petitioner, to his shock and surprise, his son Mr.V.G.Nithin Krishna has now been excluded from participating in the Special Coaching Camp, presently scheduled to be held from 18.07.2022 to 23.07.2022 at Mandya, Karnataka. According to the petitioner, the swimmers who are ranked after the petitioner's son Mr.V.G.Nithin Krishna, in the selection trails have been selected to participate in the aforementioned event between 18.07.2022 and 23.07.2022. According to the petitioner, the selection list prepared by the respondents, is illegal and arbitrary as it has ignored the correct selection list dated 10.12.2021 .

4. Learned counsel for the petitioner relies on the interim order passed by the Division Bench of this Court dated 20.08.2019 in WP No.22565 of 2019, involving identical set of facts, wherein, the petitioner therein was permitted to participate in an event meant for Special children. The petitioner has given a representation on 11.06.2022 requesting the respondents to permit the petitioner's son Mr.V.G.Nithin Krishna to participate in the event scheduled to be held from 18.07.2022 to 23.07.2022 at Mandya, Karnataka. The representation has also not been considered till date.

5. No prejudice would be caused to the respondents if the petitioner's representation in the light of the aforementioned observations is considered on merits and in accordance with law before the schedule date of event which is on 18.07.2022.

6. For the foregoing reasons, this Court directs the respondents 2 and 7 to pass final orders on the petitioner's representation dated 11.06.2022, requesting his son Mr.V.G.Nithin Krishna to be allowed to participate in the National Swimming Coaching Camp, presently scheduled to be held from 18-7-2022 to 23-7-2022 at Mandya, Karnataka, on merits and in accordance with law after giving due consideration to the contentions of the petitioner as recorded

by this Court on or before 14.07.2022. The petitioner is permitted to produce documents/records to substantiate his claim before the second respondent.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

8. Post the matter for reporting compliance on 15.07.2022.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

sr/vsi2

To

1. The Secretary to Government,
Union of India,
Ministry of Youth Affairs and Sports,
Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi - 110001.
2. The Chief Executive Officer,
Special Olympics Bharat,
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3. The Director General,
Sports Authority of India,
Head Office:Jawaharlal Nehru Stadium Complex (East Gate),
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8. The Senior Sports Manager,
Special Olympics - Asia Pacific,
Corporate Office,
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Velachery,
Chennai-600045

+lcc to Mr.T.Ramesh, Advocate SR. No. 45173 (12/07/2022)
+lcc to Government Pleader SR. No. 46101 (19/07/2022)
+lcc to Mr.T.V.Krishnamachari, Advocate SR. No. 45131
(19/07/2022)

W.P.No.17714 of 2022

PPA (CO)
PR (11/07/2022)