



W.P.(MD)No.11517 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11517 of 2022

and

W.M.P.(MD)No.8159 of 2022

Kathiravan

... Petitioner

Vs.

1.The Government of India,
The Ministry of Youth Affairs and Sports,
Rep. by its Secretary,
C-Wing,
Shastri Bhavan,
New Delhi.

2.The Athletic Federation of India,
Rep. by its Secretary,
A-90, Phase I,
Naraina Industrial Area,
New Delhi-110 028.

3.The Sports Development Authority of Tamil Nadu,
Jawahar Lal Nehru Stadium,
Raja Muthiah Road,
Periyamet,
Chennai-600003.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the



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impugned order of the second respondent dated 05.10.2021 in respect of rejection of the petitioner's son namely Hariharan Kathiravan, 1st rank records in 80 meters (under 16) Hurdles, 36th National Junior Athletics Championship 2021 and quash the same as illegal and furthermore direct the respondents to issue certificate to the petitioner's son namely Hariharan Kathiravan for his 1st prize in 80 meters (under 16) Hurdles, 36th National Junior Athletics Championship 2021.

For Petitioner : Mr.C.Kayalvizhi

For R1 & R2 : Mr.K.R.Laxman

ORDER

Heard the learned counsel on either side.

2. The petitioner's son Haiharan Kathiravan is an Athlete. He took part in the 36th National Junior Athletics Championship 2021 held on 30.12.2020 in 80 meters (under 16) Hurdles category. He secured gold medal. The petitioner however has not been given the necessary certificate. Though he was declared as winner and also given the gold medal, he was not issued with the necessary certificate. Seeking issuance of the same, the writ petition has been filed.



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3. When the matter was taken up for hearing, the learned standing counsel appearing for the second respondent drew my attention to the norms laid down by the Athletics Federation of India vide Circular No. 02/1-2021, dated 30.12.2020. In the said circular, the norms regarding Proof of Age and Age Verification have been set out as under:-

Proof of Age

The following documents will be accepted as proof of age:

(a) Athletes below 14 years and 16 years.

Certificate issued by “Birth & Death” Registration Office of a Municipal Corporation / Nagar Palika / Mahapalika / District / Village Panchayat / 10th Standard Certificate.

(b) Athletes above 16 years

10th Standard Certificate or equivalent issued by a recognized State / Central Education Board / Birth Certificate.

(c) Athletes, who have not gone to School at all should bring Birth Certificate from Municipality / Corporation etc., Athletes, who are drop outs, should bring birth certificate and also School Leaving Certificate, showing date of birth from the school he / she attended.

Age Verification

AFI Age Verification Committee and a team of doctors will be present to verify the age of athletes. The decisions taken by the Committee about the age of an athlete will be final. Age Verification Committee will check all athletes on 5th February 2021 at competition venue. No athlete can participate without Age Verification check.

It is mandatory to produce original proof of date of birth before the Age Verification Committee / Team of Doctors, without which athletes



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may not be allowed to participate. All athletes should, therefore, be advised to bring with them original certificate as proof of age. Date of birth certificate in vernacular must be accompanied by an attested English/Hindi translation duly attested by a Gazetted Officer.

4. The learned Standing Counsel lamented that because of misrepresentations committed by candidates, India is not able to secure the podium position in international championships. Therefore, the Athletics Federation of India is adopting a very strict approach. That is why, they have the policy of referring the winners to the medical board. The petitioner's son declined to appear before the medical board and that is why, they have not been in a position to issue the certificate sought for.

5. I must appreciate the Athletics Federation of India for adopting zero tolerance policy in the matters. But they are wrong in taking the stand that they would go by the opinion of the medical board and that they would ignore the birth certificate. Section 94(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015, is as follows:-

94 (2). In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the



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Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining:-

(I) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;

(ii) the birth certificate given by a corporation or a municipal authority or a panchayat;

(iii) and only in the absence of (I) and (II) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board.

Provided such age determination test conducted on the order of the Committee or the Board shall be completed within fifteen days from the date of such order.

(iii) The age recorded by the Committee or the Board to be the age of person so brought before it shall, for the purpose of this Act, be deemed to be the true age of that person.

6. Of-course, the order of preference set out therein will not have a binding effect on the Committee or Board constituted under the Act. It would also not be reasonable to expect the Athletics Federation of India to go by the record furnished by the Educational Institution concerned. But the birth certificate given by a statutory authority cannot be equated to a school record. It is of-course open to the sports body concerned to verify the genuineness of the birth certificate given by the



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candidate. But the medical opinion or the results of an ossification test cannot be placed above the birth certificate. The medical opinion based on ossification test is placed at the third level, while the birth certificate given by the local body is placed at the second level. The order of preference set out in a parliamentary statute cannot be ignored. Only if the birth certificate has not been produced by the candidate concerned, he may be sent to the medical board for determining the age. The second respondent has rejected the petitioner's request only on the ground of overage and not on any other ground. Since I have held that ossification test cannot take precedence over the birth certificate, the impugned order passed by the second respondent is set aside. The second respondent is directed to issue the merit certificate as sought for by the petitioner forthwith and without any delay.

7. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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