



W.P.No.7688 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7688 of 2024
W.M.P.Nos.8600 & 8604 of 2024

R.Surya

...Petitioner

-Vs -

1. The Tamil Nadu Uniformed
Services Recruitment Board,
Rep. by its Chariperson,
Old COP Office Campus,
Pantheon Road, Egmore,
Chennai – 600 008.
2. Tamilnadu Athletics Association,
Rep. by its President,
81, Jawaharlal Nehru Stadium,
Periyamet, Chennai,
Tamil Nadu – 600 003.
3. The Sports Development Authority
of Tamilnadu,
Rep. by its Chief Executive Officer,
Jawaharlal Nehru Stadium,
Raj Muthaiah Road,
Periamedu, Chennai.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent culminating in the disqualification slip dated 12.03.2024 in Annexure 9 and 10, quash the same and direct the respondent to consider the petitioner's application (enrolment No.1901931) along with the Form-II certificate dated 08.12.2022.

For Petitioner : Mr.B.Poongkhulali

For Respondents

For R1 : Mr.P.Kumaresan
Additional Advocate General
Mrs.D.Sowmi Dattan
Standing Counsel

For R3 : Ms.N.S.Tanvi

ORDER

This writ petition has been filed challenging the disqualification slip dated 12.03.2024, issued by the first respondent thereby disqualified the petitioner's candidature to the posts of Grade-II Police Constable, Grade II Jail Warders and Firemen-2023.

2. The petitioner is qualified with B.B.A. Degree. He is an athletic and participated in various running competition in State level. He had also participated in the cross-country 8 km event at State level and secured fifth position and qualified to participate in the 56th National



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cross country championship. Further the petitioner represented the State of Tamil Nadu in the 56th National cross country championship at Nagaland.

3. While being so, the first respondent issued notification No.2 of 2023 for the common recruitment of Grade II Police Constables, Grade II Jail Warders and Firemen-2023. The petitioner applied for the said posts under sports quota. The petitioner had qualified in the written examination by securing 53 marks out of 70 marks. He had participated in the physical test and his certificates were also verified in annexure-9 and issued certificate dated 09.02.2024, thereby declared that the petitioner was qualified. However by the same annexure-9 and 10 forms dated 12.03.2024, the first respondent disqualified the petitioner's candidature to the post of Grade II Police Constables, Grade II Jail Warders and Firemen, on the ground that the Form-II sports certificate was not accepted under the sports quota and therefore, the petitioner is not qualified under the sports quota.

4. The learned counsel appearing for the petitioner submitted



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that the petitioner is an athletic and he won gold and silver medals at the District Athletics Association's meet in 800 meter, 1500 meter, 5000 meter and 10,000 meter events. In the year 2021, at the State level meet, the petitioner secured fifth position in the cross country 8 kilo meter event and was qualified to participate in the 56th National cross country championship recognized by the Athletic Federation of India. The petitioner had represented on behalf of the State of Tamilnadu in the 56th National cross country championship held on 26.03.2022 at Nagaland. The petitioner was also issued with Form-II certificate as he participated in the national cross country championship.

4.1. As per the brochure, the requisite eligibility to apply under the sports quota recognized 14 games and the Athletics competition is also included as item No.13. The cross country running also included as one of the events under the athletic competition as per the rules and regulations of the Athletics Federation of India. The petitioner is the member of Tamilnadu Athletics Association. The said association is duly recognized and affiliated to the Athletics Federation of India. Therefore, the first respondent ought not to have disqualified the petitioner's candidature as if the cross country running is not mentioned in the



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brochure.

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5. The learned Additional Advocate General appearing for the first respondent submitted that the cross country running is not a game under the athletic as per brochure. That apart, the Form-II produced by the petitioner was not awarded by any marks by the third respondent. The very same event has already been duly dealt with by the Hon'ble Division Bench of this Court and followed by the several Single Judges of this Court. He also relied upon the judgment passed by the Hon'ble Division Bench of this Court passed in ***W.P.Nos.26090 to 26092 of 2015*** dated ***15.10.2015*** in the case of ***H.Sathish Kumar and ors Vs. The Chairman, Chennai and anr.*** The said judgment has been followed by the Single Bench of this Court in several cases. Therefore, the first respondent rightly disqualified the candidature of the petitioner.

6. Heard the learned counsel appearing on either side and perused the material placed before this Court.

7. It is relevant to extract the approved games as mentioned in the brochure, as per the notification No.2 of 2023, as follows :-



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- (i) Basket Ball
- (ii) Foot Ball
- (iii) Hockey
- (iv) Volley Ball
- (v) Hand Ball
- (vi) Kabbadi
- (vii) Wrestling
- (viii) Boxing
- (ix) Gymnastics
- (x) Judo
- (xi) Wight lifting
- (xii) Aquatics
- (xiii) Athletics
- (xiv) Horse riding
- (xv) Shooting
- (xvi) Sliambam

8. The petitioner is an athletic in running race in 800 meter, 1500 meter, 5000 meter and 10,000 meter events. He had participated in all the events and won gold and sliver medals in the State level competitions. He is also a cross country runner in the State level meet and he had secured fifth position in the 8 kilo meter event and he was qualified to participate in the national level championship. Accordingly, the petitioner had participated in the 56th National Level Championship



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recognized by the Athletic Federation of India. The petitioner is a member of Tamil Nadu Athletics Association and the same was duly recognized by the Tamil Nadu Olympic Association and Indian Olympic Association. The Tamil Nadu Athletics Association is also duly affiliated to the Athletics Federation of India.

9. Further the memorandum of Association of the Athletics Federation of India defines the Indian Athletics. Accordingly, the sports of athletics in India as defined in the rules and regulations including track and field, road running, race walking, cross country running, ultra running, mountain running and trail running. Therefore, the cross country running is also a sport of athletics. The petitioner had participated in the 56th national cross country championship held on 26.03.2022 at Nagland and he was given certificate in Form-II.

10. If anybody represented their respective State in the national level competitions, the sports persons will be awarded Form-II certificate irrespective of their position/awarding marks. If the sports persons participated in the international competition representing their respective country, they will be issued Form-I certificate. The petitioner represented



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the State of Tamil Nadu in the national level cross country championship and he was awarded with Form-II certificate by the second respondent.

As stated supra, the second respondent is duly recognized and affiliated by the Athletics Federation of India.

11. As per the notification, Form-II will be awarded marks. Accordingly, the petitioner is eligible to award 1½ marks. Though on certificate verification, the first respondent verified the Form-II, produced by the petitioner and declared as qualified on 09.02.2024, on 12.03.2024, disqualify the petitioner on the ground that Form-II cannot be accepted for the reason that the event of cross country running is not an athletic.

12. The learned Additional Advocate General appearing for the first respondent relied upon the judgment passed in ***W.P.Nos.26090 to 26092 of 2015*** dated ***15.10.2015*** in the case of ***H.Sathish Kumar and ors Vs. The Chairman, Chennai and anr.***, in which the Hon'ble Division Bench of this Court held that the cross country racing is not included in the list brochure. Therefore, the certificate produced by the petitioner cannot be considered under the sports quota. It was followed by the



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learned Single Judges of this Court in various orders.

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13. As stated supra on perusal of definition of athletics defined by the Athletics Federation of India, it consists of track and field, road running, race walking, cross country running, ultra running, mountain running and trail running. Therefore, cross country running is also one of the events under the athletics competition. Unfortunately, it was not brought to the knowledge of the Hon'ble Division Bench that the cross country racing is one of the events under the athletics. Therefore the Hon'ble Division Bench held that the event of cross country racing is not a part of the game which is mentioned in the brochure.

14. The definition of cross country running as per wikipedia, it is a sport in which teams and individuals run a race on open-air courses over natural terrain such as dirt or grass. The course, typically 3–12 kilo metre long, may include surfaces of grass and earth, pass through woodlands and open country, and include hills, flat ground and sometimes gravel road and minor obstacles. It is both an individual and a team sport; runners are judged on individual times and teams by a points-scoring method. Both men and women of all ages compete in cross



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country running. It is one of the disciplines under the umbrella sports of athletics and is a natural-terrain version of long-distance track and road running.

15. Therefore, the person who participated in the cross country running sport is more meritorious candidate than other candidates who participated in other sports events for the recruitment to the post of Police Constables. Therefore, the above judgment of the Hon'ble Division Bench of this Court is not applicable to the case on hand, since it was not brought to the knowledge of the Hon'ble Division Bench that the event of cross country running is also a sport game under the athletics competition.



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16. It is true that the event of cross country running is not mentioned in the brochure issued by the first respondent, in order to apply under the sports quota. Whereas it is mentioned as athletics. There is no sports as athletics. Athletics means it consists of track and field (running race, high jump, long jump, shot put, hammer throw, javelin throw etc.), road running, race walking, cross country running, ultra running, mountain running and trail running. Therefore, the petitioner is fully qualified to participate in the selection process under the sports quota. The Form-II produced by the petitioner for the 56th National Cross Country Championship held on 26.03.2022 at Nagaland, should be awarded 1½ mark.

17. In view of the above discussions, the impugned disqualification slip dated 12.03.2024 is hereby quashed. The first respondent is directed to award 1½ mark for the Form-II certificate produced by the petitioner and subject him in the selection process to the post of Grade II Police constables forthwith.

18. With the above directions, the Writ Petition stands allowed.



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Consequently, connected miscellaneous petitions are closed. There shall
be no orders as to costs.

20.03.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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Tamil Nadu Uniformed
Services Recruitment Board,
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2. The President,
Tamilnadu Athletics Association,
81, Jawaharlal Nehru Stadium,
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Sports Development Authority
of Tamilnadu,
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