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W.P.No.26160 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.26160 of 2024
and W.M.P.Nos.28583 & 28584 of 2024

Master. Alberich Abhay AAS,
Rep. by Father and Guardian
Mr.A.Arokia Satheesh

... Petitioner

Vs.

1.St.Michael's Academy,
Rep. by its Principal,
3rd Canal Cross Rd., Gandhi Nagar,
Adyar, Chennai, Tamil Nadu – 600 020.

2.Council for the Indian School Certificate Examinations (CICSE),
Pragati House, 3rd Floor,
47-48, Nehru Place,
New Delhi – 110 019.

3.School Games Federation of India (SGFI),
18, Park Road, Raj Bhavan Colony,
The Mall Avenue, Lucknow,
Uttar Pradesh – 226 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for records pertaining to the Circular dt. 26.03.2024 issued by 2nd respondent CISCE under CISCE Games & Sports – Rules & Regulation 2024 by way of Hand book with



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regard to CISCE National Boxing Championship to be held on 13.09.2024 and quash the same as arbitrary, illegal, discriminatory and in violation of Article 14 and 15 of the Constitution of India.

For Petitioner : Mr.K.Venkatapathy
Senior Counsel
for M/s.G.Senthilkumar

For Respondents : Not Ready in Notice [R1 & R3]
Mr.S.Elambharathi [R2]

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorari, to call for records pertaining to the Circular dated 26.03.2024 issued by 2nd respondent CISCE under CISCE Games & Sports – Rules & Regulation 2024 by way of Hand book with regard to CISCE National Boxing Championship to be held on 13.09.2024 and quash the same as arbitrary, illegal, discriminatory and in violation of Article 14 and 15 of the Constitution of India.

2. Mr.Elambharathi, learned counsel accepts notice on behalf of the 2nd respondent. In view of the consent expressed by the learned counsel appearing for the parties, this writ petition is taken up for final disposal at the stage of admission itself.



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3. The case of the petitioner is that, he is studying VIII standard at the 1st respondent school and the said school is affiliated to the 2nd respondent. The 2nd respondent/CISCE affiliated schools are a close-knit group comprising about 2975 plus schools spread across every State and Union Territory in India and the 2nd respondent conducts ISCE (X Std) and ISC (XII Std) board exam with regard to academics. CISCE also been conducting National School Sports & Games annually from 2018 for the school children with the object of identifying and nurturing talents in various sports and games including Boxing. They also provide a suitable platform and an opportunity to all children studying in their affiliated schools to showcase their talents and skills in the various sporting disciplines. Once identified, the next step is to play on a bigger stage and represent the 2nd respondent/CISCE Council at the annual National School Games conducted by the School Games Federation of India (SGFI), the 3rd respondent herein. In the last academic year 2023 – 2024, the petitioner had participated in the CISCE National Boxing Championship in the category of under 14 (50+kg) conducted by the 2nd respondent for their students, who are enrolled in their affiliated school



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only. Whiles, for this year, the petitioner was vigorously practicing for participating in the CISCE National Boxing Championship and the 1st respondent had forwarded the application of the petitioner to the 2nd respondent along with all credentials and was expecting to participate in the ensuing CISCE National Boxing Championship on 13.09.2024 at Jharkand in the category of under 14 (50 kg & above) and the petitioner had also been sponsored with the 50% of air ticket for the said CISCE National Boxing Championship by the 1st respondent. On 27.08.2024, the 1st respondent informed that the petitioner cannot participate in the CISCE National Boxing Championship as the notification issued by the 2nd respondent is not having the category of 50 kg plus for the students under 14 years of age. In the impugned notification, boxing under 14 (boys) category – the weight 50 & above missing and the same is mentioned in under 14 (girls) category. Immediately, the petitioner wrote a mail dated 28.08.2024 to the respondents 2 and 3 pointing out the mistake and include his name in the list of participants. Since no reply was forthcoming, challenging the impugned notification, the petitioner has filed the present writ petition.



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4. Learned Senior Counsel appearing for the petitioner submitted that, in the last year also the notification for boxing under 14 (boys) category, the weight 50 & above was missing although the same was mentioned in under 14 (girls) category. Immediately, the petitioner took up the same with the 2nd respondent pointing out that 50 kg & above category was missing for the boys and the 2nd respondent informed that it is an inadvertent error and took steps to rectify the said mistake and the petitioner participated in the CISCE National Boxing Championship conducted at Ranchi and secured second place. However, the same error has occurred this year also. Further, learned Senior Counsel submitted that as per clause (5) of the CISCE Games & Sports Rules & Regulation, 2024, the 14 years old boys are entitled to participate in the weight category upto 50 kgs, whereas, in other categories, namely 14 years girls, 17 years boys, 17 years girls, 19 years boys and 19 years girls, the said 50 kgs., and above is available. However, in respect of 14 years old boys, they restricted upto the weight upto 50 kg and not beyond that, which is arbitrary, illegal and discriminatory. Accordingly, he prays for allowing this writ petition.

5. Learned counsel appearing for the 2nd respondent submitted



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that the 2nd respondent is conducting sports events across the State including Union Territory in the 2975 plus schools affiliated to them. If the children are selected, they will represent the 2nd respondent at the annual National School Games conducted by the 3rd respondent. However, the 3rd respondent prescribed the above said categories and following the same, the categories are fixed by the 2nd respondent, which cannot be interfered with. Accordingly, he prays for dismissal of the writ petition.

6. Heard the learned Senior Counsel appearing for the petitioner and the learned counsel appearing for the 2nd respondent and perused the materials available on record.

7. Admittedly, the petitioner is aged about 13 years and studying VIII standard at the 1st respondent school and he is a boxer. In the last year, the petitioner participated in the CISCE National Boxing Championship conducted at Ranchi and won silver medal. Now, the weight of the petitioner is more than 50 kg. Further, the petitioner was selected by the 2nd respondent for the competition, however, he was not



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able to compete in the CISCE National Boxing Championship conducted by the 1st respondent only on the ground that the specific category of weight is not available. Attention of this Court was drawn to CISCE Games & Sports – Rules and Regulation 2024, more particularly, Clause 5 which reads as follows :-

5. BOXING (For all six categories of boys and girls)

The number of participants in each weight category will be only one from each region.

Weight Categories for under 14 Boys – 28-30 Kg, 30-32kg, 32-34 kg, 34-36 kg, 36-68 kg, 38-40 kg, 40-42 kg, 42-44kg, 44-46 kg, 46-48, 48-50 kgs.

Weight Categories for under 14 Girls – Less than 18 kg, 18-22 kg, 22-24 kg, 24-26 kg, 26-30 kg, 30-34 kg, 34-38 kg, 38-42 kg, 42-46 kg, 46-50 kgs and more than 50 kg.

Weight Categories for under 17 Boys – Less than 46 kg, 46-48 kg, 48-50 kg, 50-52 kg, 52-54 kg, 54-57, 57-60 kg, 60-63kg, 63-66 kg, 66-70 kg, 70-75 kg, 75-80 kg and more than 80kg.

Weight Categories for under 17 Girls – Less than 42kg, 42-45 kg, 44-46 kg, 46-48 kg, 48-50 kg, 50-52 kg, 52-54 kg, 54-57 kg, 57-60 kg, 60-63 kg, 63-66 kg, 66-70 kg, 70-75 kg, 75-80kg and more than 80 kg.

Weight Categories for under 19 Boys – Less than 46 kg, 46-49 kg, 49-52 kg, 52-56 kg, 56-60 kg, 60-64 kg, 64-69 kg, 69-



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75 kg, 75-81 kg, 81-91 kg and more than 91 kg.

Weight Categories for under 19 Girls – Less than 45kg, 45-48 kg, 48-51 kg, 51-54 kg, 54-57 kg, 57-60 kg, 60-64 kg, 64-66 kg, 66-69 kg, 75 – 81 kg and more than 81 kg.

8. A perusal of the above reveals that, even a 14 year Girl is entitled to participate in the CISCE National Boxing Championship if her weight is more than 50 kg, however, the same benefit is not given to a 14 year Boy, which is discriminatory and is a violation of Article 14 of the Constitution of India. Except for the said weight category for under 14 boys, all the other categories which are available for boys and girls are available. The non-provision of the same is discriminatory and offends Article 14 of the Constitution and the discrimination cannot be allowed to continue.

9. Accordingly, this Writ Petition is allowed and the impugned circular dated 26.03.2024 issued by 2nd respondent CISCE under CISCE Games & Sports – Rules & Regulation 2024 by way of Hand book with regard to CISCE National Boxing Championship to be held on 13.09.2024 is set aside. Further, the 2nd respondent is directed to allow the boys under 14 years, who are in 50 + kgs weight category to



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participate in the CISCE National Boxing Championship, which is going to be held on 13.09.2024. No costs. Consequently, the connected miscellaneous petitions are closed.

10.09.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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Note: Issue order copy on or before 11.09.2024.

To

- 1.The Council for the Indian School Certificate Examinations (CICSE),
Pragati House, 3rd Floor,
47-48, Nehru Place,
New Delhi – 110 019.
- 2.The School Games Federation of India (SGFI),
18, Park Road, Raj Bhavan Colony,
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M.DHANDAPANI, J.

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