



WP(MD) No.16015 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.16015 of 2024

and

W.M.P.(MD) No.13922 & 13923 of 2024

Vennila

... Petitioner

Vs.

- 1.The Director General of Police,
Office of Directorate of Police,
Dr. Radhakrishnan Road,
Mylapore,
Chennai - 600 004.
- 2.Tamilnadu Uniformed Services Recruitment Board,
Represented by its Member Secretary,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai - 9.
- 3.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.



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4. The District Revenue Officer,
General Manager Admin,
Sports Development Authority of Tamilnadu,
Jawaharlal Nehru Stadium,
Rajamuthaiah Road,
Periyamet, Chennai - 600 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining the impugned proceedings of the 4th respondent in R.C.No.13828/SE-2/2024 dated 04.01.2024 and quash the same consequently direct the 1st and 2nd respondents to consider the petitioner for selection and appointment of Sub Inspector of Police – 2023.

For Petitioner : Mr.M.Ramu
For Respondents : Mr.Veera Kathiravan, (R1 to R3)
Additional Advocate General,
Assisted by Mr.J.Ashok,
Additional Government Pleader
Mr.N.S.Tanvi (R4)



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ORDER

The petitioner, who applied to the post of Sub Inspector of Police in the Tamil Nadu Uniformed Services Recruitment Board, Chennai, has filed this Writ Petition challenging the order of the fourth respondent, dated 04.01.2024, through which the petitioner's appointment was rejected, citing the reason that Form-II produced evidencing her sports qualification is invalid.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the petitioner submitted that the petitioner has got the certificate for having participated in the National Level Competition in Silambattam and she has also produced the said certificate in Form-II. But it has been rejected wrongly. It is also stated that special marks of maximum 'two' will be given to those candidates, who are qualified in NCC/NSS/Sports/games. If the petitioner could furnish Form-II showing that she had represented in any of the State Level approved Games and Sports, 1 ½ marks should be



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given to that individual. The petitioner claims that she is eligible for the said 1 ½ marks, as she represented the State Level Sports, for which she has produced the Certificate given by the TamilNadu Silambattam Association in Form-II and the rejection of the Certificate produced by the petitioner is invalid.

4. The learned counsel appearing for the petitioner further submitted that according to Annexure - IX to the notification dated 05.05.2023, the Tamil Nadu Silambattam Association has already been recommended by the Sports Development Authority in Tamil Nadu for giving validity for the sports participation. As the petitioner came to know that her candidature was disqualified, she asked for the reasons and thereafter, the impugned order came to be passed stating that the Form No.II produced by the petitioner was not valid.

5. The learned counsel appearing for the petitioner also submitted that insofar as the petitioner is concerned, Form-II was given to her and she has produced the certificate from the Tamil Nadu Silambattam Association, which would also show that she had come in first place in



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the senior category (women) 55.1 to 60 kg. Therefore, the rejection of the petitioner's candidature is illegal. Hence, he sought to quash the impugned order.

6. The learned Additional Advocate General appearing for the respondents submitted that even according to the fourth respondent, the Tamil Nadu Silambattam Association is not a recognized association. When the certificate produced by the candidate was sent for verification, the fourth respondent did not owe any validity for the same. It is further submitted that if the petitioner is unable to produce a certificate obtained from any of the recognized association as listed under Annexure - IX of the notification, she is not entitled to get the marks reserved for special category in the process of recruitment.

7. The argument of the learned Additional Advocate General revolves around a point that both the Tamil Nadu Silambam Association and the Tamil Nadu Silambattam Association are two different individual associations and there is no connection whatsoever between these two associations. In this regard, it is worthwhile to mention that in



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another writ petition in W.P.No.9903 of 2022 filed by the Tamil Nadu Silambattam Association, seeking for a direction to the authorities concerned to consider the Sports Competition Certificate issued by the TamilNadu Silambattam Association in the sports quota for the school and college admissions and priority given to sports quota appointment. In the said writ petition, the Sports Development Authority of Tamil Nadu and the Government of India were also the respondents. The above writ petition filed by the Tamil Nadu Silambattam Association has been allowed on 12.06.2024 with the observation made hereunder:-

“3. The 3rd respondent filed counter and submitted that the 3rd respondent is Government Authority that grants recognition/renewal of recognition to State Sports Associations. Upon recognition, the State Sports Association will control the sport at the State level - conduct state selections for representations of the State at National Games/ Championships, issued certificates will be considered for sports quota category in higher education and recruitment. Therefore, one of the condition for recognition of State Sports Association is affiliated to a National Sports Federation recognized by first respondent. Then, the recognition is withdrawn by the 3rd respondent. Therefore, the condition of affiliation to a National Sports



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Federation recognized by the first respondent is also applicable for the Sport of Silambattam. Therefore, admittedly there is no role to grant aid for recognition by the 3rd respondent that the Sports Association shall be recognized by the National Sports Federation. Further, there is no pre-requisite condition to get recognition from the National Sports Federation with the 3rd respondent for grant aid and other benefits.

4. The sport of Silambattam is a traditional game originated in TamilNadu and it is popularly spread and it is played in several states across the country and also in various other countries.

5. In view of the above, the impugned order passed by the 4th respondent dated 10.02.2022 cannot be sustained and liable to be quashed. Accordingly, the order passed by the 4th respondent dated 10.02.2022 is quashed. The 3rd respondent is directed to restore the original position of the petitioner's association and to consider the certificate issued by the petitioner under sports quota for all purposes.

6. With the above direction, this writ petition is allowed. Connected miscellaneous petitions are closed. No costs.”



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8. The learned counsel appearing for the fourth respondent put forth her argument stating that for a certificate issued by the National Authority like the Indian Silambam Federation as produced by the petitioner, recognition ought to have been given by the Ministry of Youth Affairs and Sports, Government of India. It has to be noted that in the interim order as well as in the final order made in W.P.No.9903 of 2022, the above point has been adverted and it has been observed that silambattam is a martial art, which is specific to the State of Tamilnadu and the State Sports Association has not made out any national presence for the sports in order to invite the enforcement of the Government of India in this regard. In the final order also, the above point has been dealt with and only thereafter, the relief sought for by the Tamil Nadu Silambattam Association has been granted.

9. However, the learned Additional Advocate General appearing for the respondents made a point stating that the writ petition filed by the Tamil Nadu Silambattam Association has been allowed only on 12.06.2024, whereas the impugned order of rejecting the certificate produced by the petitioner herein came to be passed on 04.01.2024.



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10. The learned counsel appearing for the petitioner submitted that an interim order in W.P.No.9903 of 2022 has been passed on 25.04.2022, wherein an order of status quo has been granted and hence, the status of recognition of the Tamil Nadu Silambattam Association has been very much in force and hence, the point that recognition relates back to the date when the final order has been passed cannot hold good.

11. There is some force in the above argument of the learned counsel appearing for the petitioner, in view of the fact that the interim order ensuring the status quo for the recognition of the petitioner's association was in force even in the year 2022 itself.

12. However, the learned Additional Advocate General appearing for the respondents 1 to 3 tried to make out a distinction stating that the order of status quo would pertain only to the monetary benefits available to the Tamil Nadu Silambattam Association and it does not pertain to the recognition given to the said Association.



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13. Unless there is a prima facie recognition for the Tamil Nadu Silambattam Association given, no monetary assistance will be done from the State of the Government and hence, this Court is not convinced with the said argument of the learned Additional Advocate General.

14. Infact, the Sports Development Authority of India has sent a letter dated 25.01.1995 by directing the Tamilnadu Silambam Association to receive certain equipments and the said letter is addressed to one K.G.Murali Krishna, Office Secretary of the Tamilnadu Silambam Association. The very same person has been shown as the General Secretary for the Tamil Nadu Silambattam Association also and the President of the said Association. Even according to the Government, the communication dated 25.01.1995 has been accepted.

15. From the letter dated 25.02.2019 sent by the Department of the Sports of the State Government to the Ministry of Youth Welfare and Sports also, it is mentioned that financial support is being granted to



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conduct State / National level games to the Tamilnadu Silambam Association recognized by Indian Silambam Federation, in which Dr.M.Rajendran, IAS, is the President.

16. Relying upon the aforesaid communications, it is claimed by the petitioner that both the Tamilnadu Silambattam Association and the Tamilnadu Silambam Association are one and the same and the respondents make confusion out of nothing and rejected the certificate produced by the petitioner without any basis. Insofar as the notification is concerned and more specifically, the association enlisted under Annexure-IX, it is captioned as list of sports association recognized by the Sports Development Authority of Tamil Nadu. Even if the Tamilnadu Silambam Association and the Tamilnadu Silambattam Association are various organizations, the fact remains that the Tamilnadu Silambattam Association continued to be a recognized association, which has been further fortified by virtue of order dated 12.06.2024 made in W.P.No.9903 of 2022. While the facts are being so, it is short-sightedness on the part of the first respondent to not include the Tamilnadu Silambattam Association as one of the recognized



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associations for giving certificates in respect of sports quota in the matter of appointments.

17. However, it is reiterated that neither of the respondents has filed any records to show that the Tamilnadu Silambam Association and the Tamilnadu Silambattam Association are two different organisations headed by the same persons or different persons. Whatever may be the facts concerning the above point, the Tamilnadu Silambattam Association is very much a recognized association, and it has given a certificate to the petitioner which was also produced in form-II, as prescribed by the second respondent. In such circumstances, it is unfair on the part of the fourth respondent to reject the recognition for the certificate given by the Tamilnadu Silambattam Association, which is a recognized association of the State.

18. Since the impugned order has been passed by authoritatively misconstruing the recognition given to the Tamilnadu Silambattam Association and also considering the involvement of the Ministry of Sports and Youth Welfare and Sports, Government of India in Martial



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Arts varma attached to the State, I feel that the impugned order is liable to be set aside.

19. However, it is submitted by the learned counsel appearing for the petitioner that selection process has not been completed, in view of the pendency of the writ petition filed by various petitioners challenging the process of selection by alleging that rules of reservation have not been sincerely followed. This submission was supported by the order of this Court dated 21.06.2024 made in WP(MD)No.11855 of 2024 batch. In the said writ petition, a direction was given to the respondents to follow the rules of reservation in accordance with the directions already given in this regard by the Hon'ble Supreme Court of India in *Saurav Yadav and Others vs. State of Uttar Pradesh and Others* and *State of Tamil Nadu vs. K.Shobana* and complete the entire exercise within a period of three months from the date of receipt of a copy of that order.

20. In such case, there cannot be any difficulty to consider the candidature to the petitioner as well, by giving validity to the certificate



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produced by the petitioner in the prescribed format as required by the second respondent and further selection process.

21. In view of the above discussion, the impugned order dated 04.01.2024 passed by the fourth respondent is set aside and this writ petition is allowed. The respondents 1 and 2 are directed to consider the petitioner for selection and appointment of Sub Inspector of Police – 2023. No costs. Consequently, connected miscellaneous petitions are closed.

23.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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1. The Director General of Police,
Office of Directorate of Police,
Dr. Radhakrishnan Road,
Mylapore,
Chennai - 600 004.
2. Tamilnadu Uniformed Services Recruitment Board,
Represented by its Member Secretary,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore, Chennai - 9.
3. The Superintendent of Police,
Pudukkottai District,
Pudukkottai.
4. The District Revenue Officer,
General Manager Admin,
Sports Development Authority of Tamilnadu,
Jawaharlal Nehru Stadium,
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R.N.MANJULA, J.

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Order made in
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