2025:KER:30339

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

WEDNESDAY, THE 2ND DAY OF APRIL 2025 / 12TH CHAITHRA, 1947

WP(C) NO. 7456 OF 2022

PETITIONER:

SUDHIN V
AGED 29 YEARS
KAVERI NILAYAM, KANJIRAMKUNNAM, KODUMBU P.O,
PALAKKAD DISTRICT., PIN - 678551

BY ADV T.U.SUJITH KUMAR

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY SECRETARY, SPORTS AND YOUTH AFFAIRS DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM DISTRICT., PIN - 695001

2 **KERALA STATE SPORTS COUNCIL**
REPRESENTED BY ITS SECRETARY, YMCA ROAD, STATUE, PALAYAM, THIRUVANANTHAPURAM DISTRICT., PIN - 695001

3 **THE PRESIDENT (INSPECTOR GENERAL OF POLICE**
KERALA STATE RIFLE ASSOCIATION, POLICE HEAD QUARTERS, IG OFFICE, SASTHAMANGALAM, THIRUVANANTHAPURAM DISTRICT, PIN-695 010. (ADHOC COMMITTEE)., PIN - 695010

BY ADVS.
SMT.LATHA ANAND, SC, KERALA STATE SPORTS COUNCIL
LATHA ANAND

OTHER PRESENT:

GP- RIYAL DEVASSY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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VIJU ABRAHAM, J.

.W.P.(C).No.7456 of 2022

Dated this the 2nd day of April, 2025

JUDGMENT

The above writ petition is filed challenging Ext.P6 and for a consequential direction commanding the 2nd respondent to countersign Exts.P3 and P4 certificates of the petitioner.

2. The brief facts necessary for disposal of the writ petition are as follows: The petitioner is a professional shooter who has participated in various shooting competition at the District, State and National level. Petitioner had participated in the Palakkad District Shooting Championship held by the Palakkad Rifle Association and was qualified for the State level Championship and Ext.P2 certificate of merits issued by the Palakkad District Rifle Association was counter signed by the observer of District Sports Council.

Thereafter, petitioner also participated in the 53rd Kerala State Shooting Championship held at Cherthala, Alappuzha during February 2021 conducted by the 3rd respondent,ie., the Kerala State Rifle Association and the petitioner stood 16th and 32nd position, as evident from Ext.P3 certificate. Later, he participated in the South Zone Shooting Championship held at Chennai and secured 11th position as evident from Ext.P4 certificate issued in this regard. During the time of competitions the 2nd respondent Sports Council was obliged to send an observer for the competitions and all merit certificates issued by the State Rifle Association and National Rifle Association shall be countersigned by the observer deputed by the 2nd respondent. The 3rd respondent Rifle Association had intimated about the event to the sports council and had requested them to send an observer as per Ext.P5 communication dated 24.1.2021. It is to be noted that Ext.P2 certificate was countersigned by

the observer under the 2nd respondent whereas in Exts.P3 and P4, the Sports Council did not countersign. Petitioner has a case that his name has been included in the short list prepared by the Kerala Public Service Commission for selection to the post of Lower Division Clerk, Palakkad District. The petitioner is eligible for grace marks awarded to sports personnel in the selection process conducted by the PSC and the Public Service Commission will accept only those certificates countersigned by the 2nd respondent sports council. Hence the petitioner approached the 2nd respondent with a request to countersign Exts.P3 and P4 certificates and the 2nd respondent informed the petitioner that the Sports Council had withdrawn the recognition of the 3rd respondent Association and therefore the certificates cannot be countersigned by the 2nd respondent. Since the 2nd respondent refused to countersign Exts.P3 and P4 certificates the petitioner submitted a

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representation before the Sports Council and thereafter, approached this Court by filing WP(C) No.11779/2021 and this Court directed the Sports Council to take a decision on the representation. Accordingly, the application was considered and the request was rejected by Ext.P6 on the ground that the registration of the Kerala Rifle Association was suspended during the said period. Petitioner submits that after issuance of Ext.P6 an application was submitted before the 2nd respondent as per the provisions of the Right to Information Act seeking to get a copy of the order suspending the Kerala Rifle Association. By Ext.P8 communication petitioner was informed that the Sports Council has not suspended the Kerala Rifle Association and an Ad hoc Committee is in force. In the above facts and circumstances, petitioner would contend that the reason stated for rejecting the request for countersigning of the certificates as per Ext.P6 is without any basis. Petitioner would

further submit that in similar situation, the State Amateur Boxing Association faced an issue of a non-recognition by the Sports Council and the sportsperson who participated under its banner were denied attestation, one of the participants approached this Court by filing WP(C) No.16388/2020 and this Court directed the Sports Council to consider the application of that participant. Thereafter, the Sports Council considered the application and verified and attested the certificates of the petitioner therein, as evident from Ext.P9. Petitioner submits that he is similarly situated as that of the petitioner in WP(C) No.16388/2020 and therefore, the stand taken in Ext.P6 is without any basis and liable to be interfered with.

3. A detailed counter affidavit has been filed by the 2nd respondent Sports Council. In the counter affidavit it is admitted that the Kerala State Rifle Association is a State level sports



organisation registered under the Kerala State Sports Council as per Section 31 of the Kerala Sports Act, 2000 and the Kerala State Rifle Association is affiliated to the National Rifle Association of India. In 2016, the elected committee of the Kerala State Rifle Association was dissolved by the General Body due to some reasons and appointed an Ad-hoc Committee in its place. Thereafter, on 28.6.2021 the election of Kerala State Rifle Association was held and a new elected committee was constituted. However, no elections were conducted to the post of President of the Kerala State Rifle Association and also to the post of President and Vice President of District Rifle Associations. The Rifle Associations shall be formed and governed by the rules and orders formulated by the Government of Kerala, as per G.O(MS)No.386/1968/Home dated 4.12.1968 and as per the said Government Order, the President of Kerala State Rifle Association is the I.G of Police(HQ)

and President and Vice President of each District Rifle Association shall be the District Collector and the Superintendent of Police, respectively. As the election to the Kerala State Rifle Association is not conducted in accordance with the provisions in the Kerala State Sports Act, 2000, the list of the new office bearers is yet to be approved by the 2nd respondent. By Ext.R2(a) communication the Kerala State Rifle Association was requested to amend its bye laws. It is further submitted in the counter affidavit that the respondent is not against awarding of grace marks to the sports persons and students who participate in sports and games, but the Kerala State Rifle Association though registered under the Kerala Sports Council as a recognised sports organisation, now it is administered by the Ad-hoc committee and such a sports organisation is not entitled to claim the rights and privileges under the Kerala Sports Act like getting an observer for countersigning the



certificates issued to the sports persons in the competitions and championships conducted by that organisation. Thereupon the State Sports Council took a decision not to sent observers to the competitions conducted by the Kerala State Rifle Association and consequently no observer has sent for the 53rd Kerala State Shooting Championship. In the counter affidavit reference was made to the Kerala State Sports Council Grant-in-Aid Regulations which makes it clear that no financial assistance will be released to the State Associations in the context of forming 'Adhoc committee' to look after the functioning of State Associations. Reliance was also placed on Clause(ix) of Section 31(1A) of the Kerala Sports Act which provides that there shall be eligibility for grace marks and other benefits only if the certificates issued to winners and participants of State level competitions conducted by the recognised state sports organizations are



countersigned by an observer nominated by the State Sports Council. The Council did not sent any observer for the particular sports event for the reason that the Kerala State Rifle Association is manned by an Ad-hoc committee. It is further submitted that the observation in Ext.P6 that the sports council has suspended the Kerala State Rifle Association was only a mistake and certificate was not countersigned since the Kerala State Rifle Association is under the administration of an Ad-hoc Committee. The learned counsel for the 2nd respondent also relies on the judgment in WP(C) No.32443 of 2014 in support of their contentions. On the above contentions they sought for dismissal of the writ petition.

4. I have heard the rival contentions on both sides.

5. Though in Ext.P6 the reasons stated for not countersigning Exts.P3 and P4 certificates is that the Kerala State Rifle Association though a

recognised organisation by the 2nd respondent Sports Council the recognition has been suspended by the Council. But Ext.P8 information obtained under the Right to Information Act from the 2nd respondent revealed that the Kerala State Rifle Association has not been suspended by the 2nd respondent Sports Council and that an adhoc committee has been formed to manage the affairs of the Kerala State Rifle Association. In the counter affidavit also it is admitted by the 2nd respondent that the fact stated in Ext.P6 that the Kerala State Rifle Association has been suspended is only a mistake. In the counter affidavit it is stated that in 2016, the elected committee of the Kerala State Rifle Association was dissolved by the General Body due to some reasons and appointed an Ad-hoc Committee in its place. As per the counter affidavit the competitions were conducted by the Kerala State Rifle Association managed by an Ad-hoc Committee and as per Rules certificate issued in competition

conducted by the said organisation which is managed by an Ad-hoc Committee cannot be countersigned. But it is to be noted that in respect of Ext.P2 certificate issued in a competition which was held in January, 2021 the observer of the District Sports Council has made an endorsement. But in Ext.P3 certificate issued in a competition conducted by the Kerala State Rifle Association which is also during February, 2021 and Ext.P4 certificate issued in a competition conducted in March, 2021, the Kerala State Sports Council refused to countersign the certificates stating that the Kerala State Rifle Association is managed only by an Ad-hoc Committee. It is further to be noted that in the case of a similarly situated participant who has participated in a boxing championship conducted by the State Amateur Boxing Association the countersigning of the certificate was declined by the 2nd respondent Sports Council on the ground that the recognition of the said

Association has been cancelled. The said participant approached this Court by filing WP(C) No.16388/2020 and the Court directed the Sports Council to consider the request of the petitioner and to pass orders on the same. The petitioner would contend that pursuant to the direction issued by this Court which is only to consider the request of the petitioner, Ext.P9 certificate issued to the petitioner was countersigned by the 2nd respondent. Though this aspect was pleaded in the writ petition, the same has not been denied by the 2nd respondent. Clause 30 in the Kerala State Sports Council Grant-in-Aid Regulation and Clause (ix) of Section 31(1A) of the Kerala Sports Act cannot be a reason for denying the request of the petitioner. Clause 30 deals with only denial of financial assistance to the State Sports Association which have only an Ad-hoc Committee to look after their affairs and Clause (ix) of Section 31(1A) of the Kerala Sports Act only provides that the winners



and participants are not eligible for grace marks and other benefits if not countersigned by an observer of the State Sports Council in respect of the State Level competition conducted by a recognized State Sports Organisations. Even in the case of Kerala State Amateur Boxing Association where even the recognition has been cancelled, pursuant to the direction issued by this Court in WP(C) No.16388/2020 to consider the request of the petitioner therein, by Ext.P9 order the Kerala Sports Council countersigned the certificates. Admittedly, even going by the counter affidavit of the Sports Council the recognition of the Kerala State Rifle Association has not been cancelled, but the only impediment is that the organisation is being managed by an Ad-hoc Committee. It is an admitted case in the counter affidavit that there was an elected committee for the Kerala State Rifle Association which was dissolved by the general body for some reason and the general body has appointed



an Ad-hoc Committee in its place. Therefore, the Kerala State Rifle Association remains to be a recognised association, but only lacuna is that the same is managed by an Ad-hoc Committee, that too appointed by the general body itself. Admittedly, the competitions were conducted by a Sports Organisation recognised by the Kerala State Sports Council even going by the counter affidavit of the 2nd respondent. If that be so, it was incumbent on the part of the 2nd respondent who have sent an observer, especially when such a request has been made by the Kerala State Rifle Association, as evident from Ext.P5. The action of the sports council is not sending an observer taking a stand that only an Adhoc Committee is looking after the affairs of the Kerala State Rifle Association, which is recognised cannot be accepted. Further more, the stand taken in Ext.P6 for rejecting the request of the petitioner that the recognition of the Kerala State Rifle Association was suspended by



the Kerala Sports Council is also found to be not correct as even going by the counter affidavit of the 2nd respondent.

6. Taking into consideration the above facts and circumstances and also take into consideration the fact that in the case of a similarly situated participant the certificate was countersigned by the Kerala State Sports Council as evident from Ext.P9 and also take into consideration the fact that the Kerala State Rifle Association is still a recognised association of the Kerala Sports Council, and that the registration of the Kerala State Rifle Association has not been suspended by the 2nd respondent Kerala State Sports Council, I am of the view that the petitioner is also entitled for a similar treatment that is given to the petitioner in WP(C) No.16388 of 2020. Therefore, Ext.P6 is set aside. The Kerala State Sports Council shall re-consider the request of the petitioner on his application dated 20.10.2021 in

the light of the observation made above. If the case of the petitioner is similar to that of the petitioner in WP(C) No.16388 of 2020, Exts.P3 and P4 certificates of the petitioner shall be countersigned by the 2nd respondent. A decision in this regard shall be taken within an outer limit of 2 months from the date of receipt of a copy of this judgment.

7. This Court has been experiencing situations of similar nature leading to various litigation before the civil courts and before this Court and this Court also find that most of the litigation are connected with the non-recognition or cancellation of recognition by the Apex bodies like the Kerala State Sports Council and also regarding the inter se dispute between the rival faction in connection with election to the governing bodies of various sports organisation. It is also seen that rival factions of many of the organisations conduct competitions and several students and others

participate in such competition and ultimately the certificates issued by them are not being accepted by the statutory bodies like the Sports Council or bodies in the national level or by the Government. The result of which is denial of benefits due to the students including grace marks and other benefits like reservation under the sports quota and their chance to participate in the higher level competition conducted at the national as well as the international level. The participants, who are mostly students, who have put in serious efforts from their younger days to get them trained and make them equipped for participating in these competitions are seriously affected by the ultimate denial of grace marks or their chance to get an appointment under the sports quota or even the chance to participate in the State as well as national level competitions. This Court is of the opinion that such dispute between the different factions of the sports organisations in the State

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or the cancellation/suspension of recognition granted by the Kerala State Sports Council to those organisations shall not result in denial of any of the benefits to the students or others who bonafide participate in these competitions conducted by different factions or by the organisations whose recognition has been cancelled. The non recognition or cancellation of recognition, etc., also lead to non sending of observers by the Kerala State Sports Council as is done in the present case. Such a situation has to end for the benefit of the student community as well as others who participate in various competitions.

8. The High Court of Madras in OSA No. 277 to 281 of 2019 in **Tamilnadu Football Association v. Pennar Jr. FC** and other connected cases has held in paragraph 1 and 17 as follows:

> "Sport is always regarded as a potent tool to achieve human development such as psychological and physical rehabilitation. It is construed as a bridge,

which would associate with peace and social mobilization by providing a physical foot point. It is an arena, where relationship can be built among the team-mates even in the midst of adversaries in the form of competition. It will benefit the sports personnel to develop their skills of teamwork, communication, confidence, leadership qualities, co-operation and respect, so that they will become members, who can contribute to the society. With a vision to make our country a super power in sports, the Government of India has spiralled the Khelo India Movement to encourage sports. Much importance is now, given to the sports and it has been emphasized periodically. However, in pursuit for power and authority, Sports Associations relentlessly involved in *inter se* conflicts between themselves, which not only affects the organisational stability, but also would have detrimental effects on the young players of the sport. It would create a sense of lack of clarity in the minds of the young sports persons and also would lower their morale and defeat their spirit. One such unfortunate and regrettable situation is the instant case.

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…..... ....

17. This court considered the submissions made by the learned counsel appearing for the parties and perused the materials available on record, including the order passed by the learned Judge, which is impugned herein. It is pertinent to point out that sports symbolise the spirit of brotherhood, tolerance, mutual respect, leadership quality, command and communication, fostering the spirit of accepting victory and defeat as one and the same. Therefore, it should be made as a platform, where everyone can be given an equal opportunity to prove their might without being discriminated on the ground of gender or disability in any forms or manifestation. A sports person should not be defeated by discriminating him/her from participating in the arena of sports, but the defeat should be in the real field, after allowing all those, who have the potential to participate in the sports, so that they can contribute with their spirit, body, mind and soul ably. Often participation and completion itself is seen as an inner victory. It is the process, one undertakes to compete in sport that alleviates the inner spirit, facilitating change in one's perspective towards life and fellow human beings. The spirit behind



> Khelo India Movement is to unearth the talent and potential from every possible part of our diversed and vast country, both in terms of landscape and population. However, in this case, due to the disputes between the plaintiffs and the defendants, some sports events, tournaments or competitions could not be conducted, whereby the sports personnel were deprived of an opportunity to exhibit their prowess, talent and skill and the same should not be allowed to continue any further. After all, the object of the Associations before this Court is only to promote the game of Football in the State by creating more infrastructure and opportunities and kindle the interest among the younger generation."
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> (underline supplied)

The court thereupon issued a direction to constitute an administrative committee for the purpose of administering the association as a temporary measure.

9. The Delhi High Court in WPC No. 2310 of 2012 in **Indian Olympic Association v. Union of India** highlighted the importance of sports administration in paragraph 87 of the judgment as

follows:

> "87. Sports administration in this country appears to have reached depths from where neither sporting bodies nor the State seem to care any longer for the successive generations sporting future. Reform is to be introduced urgently by the State. Sports administration appears to be mired in power play, where money, influence and chicanery play a dominant part and those who had participated in competitive sports at some stage are given token representation at best, or mostly marginalized. As the cliché goes, the state of sports is in a lockjaw where roughly 1.2 billion people have to rest content with a harvest of medals so meager as to be surpassed by just one individual like Micheal Phelps. The London Olympic saw India notch up a tally of six medals. This averages to one medal for roughly every 207 million inhabitants. It is not without truth that the common perception that Karnam Malleswari, Col Rajyavardhan Singh Rathore, Abhinav Bindra, Sushil Kumar Tehlan and Vijendar Singh were driven for individual personal reasons to focus on competitive sports. Sport Administration, the way it is run in India, through coteris, cabals, manipulations and intrigues, seems to discourage a vast majority of the population to devote itself to athletics, shooting,judo,

> table tennis, gymnastics, soccer, boxing, fencing and the like. Sports can be populraized and made successful, when those who genuinely feel the need to inspire and attract talent, and are themselves driven by inspiration, evolve policies that result in a range of sporting activities becoming as or even somewhat as rewarding as cricket. As a nation too, we should not be deadened to news that sportspersons sell their proudly and hard earned medals to fight off penury (as in the case of Sita Sahu, a mentally challenged teenager from Rewa who won two Bronze Medals in the 2011 Olympic Games). Till the time that India, with her more than a billion, continues to have a feeble sporting outlook, those who excel will do so despite the state of NSFs and sports bodies controlling them."
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> (underline supplied)

10. The Government of India has come out with the National Sports Development Code of India 2011 on being convinced that sport development is of national priority as it promotes active lifestyle, child and youth development, social inclusiveness, employment opportunities, peace and development and above all a sense of belongingness



and national pride. The Code also provided guidelines for sports development in the country and also provided for the conditions of eligibility for sports organisations for recognition and for financial assistance. It is in the said background that the issue as one that has cropped up in the present writ petition is to be considered. The Sports Organizations and the Sports Councils are functioning ultimately for the development of sports activities in the country, which would benefit the sports personnel who are mostly in the student category. If any of the sports organization could not cater to the interests of the sports personals, I am of the opinion that in such circumstance the Courts can step in and issue necessary directions so that the participants in those sports events conducted by the respective Sports Association are not put to prejudice. The 1st respondent Government and the Kerala State Sports Council should have a clear policy to deal with

such situations so that the students and other participants are not put to difficulties because of the various reasons enumerated above. Therefore, a direction is issued to the 1st respondent Government and the 2nd respondent Kerala State Sports Council to formulate a policy/guideline to deal with such situations. Till a policy/guideline is formulated as directed above, the following direction is issued to the 1st respondent State Government as well as the 2nd respondent Kerala State Sports Council:-

(i) Whenever any Sports Association in any level, District, State or otherwise is not recognised or the recognition has been cancelled/suspended or is manned by an Ad-hoc Committee or there are disputes between different factions of the Sports Associations regarding management of the Sports Associations concerned, the respective competitions which are to be conducted by such Sports Association shall be conducted by the 1st respondent or the 2nd respondent. The

certificates to the winners/participants shall be directly given by the Sports Council or the State, which shall, if requested, after countersigned by the Kerala State Sports Council.

(ii) The Government shall formulate a policy/guideline in this regard without any delay.

Writ petition is disposed of as above.

sd/-

VIJU ABRAHAM,JUDGE

pm

APPENDIX OF WP(C) 7456/2022

PETITIONERS' EXHIBITS

Exhibit-P1	**A TRUE COPY OF THE SHOOTER'S ID CARD ISSUED BY THE NATIONAL RIFLE ASSOCIATION OF INDIA .**
Exhibit-P2	**A TRUE COPY OF THE CERTIFICATE OF MERITS ISSUED BY THE PALAKKAD DISTRICT RIFLE ASSOCIATION WHICH WAS COUNTERSIGNED BY THE OBSERVER OF DISTRICT SPORTS COUNCIL .**
Exhibit-P3	**A TRUE COPY OF THE CERTIFICATE DATED 05.03.2021 ISSUED BY THE 3RD RESPONDENT.**
Exhibit-P4	**A TRUE COPY OF THE CERTIFICATE DATED 06.04.2021 ISSUED BY THE NATIONAL RIFLE ASSOCIATION OF INDIA.**
Exhibit-P5	**A TRUE COPY OF THE LETTER DATED 24.01.2021 SEND TO THE 2ND RESPONDENT.**
Exhibit-P6	**A TRUE COPY OF THE LETTER DATED 03.11.2021 ISSUED BY THE 2ND RESPONDENT .**
Exhibit-P7	**A TRUE COPY OF THE APPLICATION DATED 05.01.2021 SUBMITTED UNDER RTI ACT .**
Exhibit-P8	**A TRUE COPY OF THE REPLY RECEIVED DATED 01.02.2022.**
Exhibit-P9	**A TRUE COPY OF THE CERTIFICATE OF SRI. SREENATH S, COUNTERSIGNED BY THE 2ND RESPONDENT .**