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**(2014) 06 MAD CK 0056**

**In the Madras High Court**

**Case No :** W.P Nos. 15530, 15562 and 15563 of 2014 and M.P. Nos. 1, 1 and 1 of 2014

A. Yash Gupta

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

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**Date of Decision :** 19-06-2014

**Acts Referred:**

**Citation :** (2014) 8 MLJ 205

**Hon'ble Judges :** B. Rajendran, J

**Bench :** Single Bench

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## **Judgement**

B. Rajendran, J.—These writ petitions have been filed by the students who seek Engineering admission conducted for the year 2014 by Anna University and who have been allotted marks under the category of "Quota for Eminent Sports Persons". The case of the petitioners in brief is as follows:

"The petitioners herein are the sports persons in the discipline of Roller Skating. They have participated in various tournaments conducted at the State level, National level and International levels and had received several awards and certificates. The respondents with an avowed object of encouraging sports and sports persons have been giving special quota for candidates under Eminent Sports Persons Category. Accordingly, the petitioners herein applied for the Engineering Admission in Anna University for the academic year 2014 by enclosing the necessary certificates for participating in the Roller Skating. The respondents also based on their achievements/participation at State Level, National level and International level allotted marks and accordingly, the petitioners have got 415, 255 and 510 respectively. Though in the original evaluation of the application forms, the petitioners were granted the above said marks on the basis of their participation/certificates possessed by them, ultimately when the students were called for the interview, they were orally informed that their cases cannot be considered under the Sports quota for the reason that the Tamil Nadu Roller Skating Association and the Roller Skating

Federation of India have not been recognised by the Indian Olympic Association and hence no weightage could be granted for the certificates issued by them. Hence, the present writ petitions by the aggrieved students."

2. Learned Senior counsel appearing for the petitioners would submit that the students were eagerly waiting that on the strength of the sports marks they will be given Engineering admission in an appropriate college under the Sports quota. But to their shock and surprise the respondents have informed that they are not entitled for admission under the Sports quota and they will be awarded only "0" marks for their achievement. He would further submit that the students are participating in the annual events organised by the Roller Skating Federation of India for the past four years and they have also participated in the State level, National level and International level competitions. Therefore, their participation certificates should be considered and that cannot be summarily rejected by the respondents only on the technical ground that the Association through which they participated in the events is not a recognised Association insofar as Tamil Nadu State is concerned. In this connection, learned Senior counsel would further argue that though the Tamil Nadu Roller Skating Association might not have been registered as on date by Sports Development Authority of Tamil Nadu (SDAT) and the Tamil Nadu Olympic Association (TNOA) as contended by the Additional Advocate General, it has been recognised by the Roller Skating Federation of India for governing the Roller Skates Sports activities in the State of Tamil Nadu. He would further bring to the notice of this Court that in respect of the year 2013 even the Ministry of Youth Affairs and Sports has recognised the Roller Skating Federation of India to receive the assistance from the Government including railway concessions etc. When that is so, the affiliated body in Tamil Nadu will automatically get the recognition of a recognised body. He would further contend that for the past several years, this Association has been recognised by the Anna University insofar as the selection for the Engineering Admission is concerned and based on their certificates many students have been awarded marks and even they were given admission in the previous years. Further the learned Senior counsel would specifically point out that in the last year prospectus also the very same clause has been provided for admission under Sports quota and this year prospectus also is the replica of the same. When that is the position and the students who have participated in the event during last year through the same Association were given admission based on their certificates, there cannot be any discretion for the present year students because the Association is not a registered one or recognised one. Therefore, he would only contend that these students who have got several achievements at the State level, National level and International level cannot be thrown out of the very selection process itself. Accordingly, the learned senior counsel would pray that the petitioners name should be taken into consideration based on the marks awarded to them and accordingly their ranks should be placed at the relevant place in the ranking list.

3. Learned Additional Advocate General appearing on behalf of the respondents

would fairly submit that the clause, which found place in the last year prospectus was a mistake and that cannot be continued. He would also submit that last year the students who have participated in the events through the same Association was recognised and were given admission based on their achievements. He would also bring to the notice of this Court that the Tamil Nadu Roller Skating Association by virtue of their letter dated 9.4.2014 has sought for recognition from the Sports Development Authority of Tamil Nadu. When it is so, the students who have participated in the events organised by the said Association cannot expect them to be treated on par with the other associations, viz., the students who have got better marks under the recognised institution. Hence, he would submit that if the certificates of these students are entertained then that will affect the right of the other students. However, he would contend that the students who have participated in the national level and international level events have to be considered and accordingly, the petitioners herein who have participated either in the international event or in national events will be considered. Therefore, the only contention by the learned Additional Advocate General is that if recognition has not been given to a particular association, the participation by the students through that Association and getting certificates by itself would not give any right. In fact he would also point out that the recognition even by Ministry of Youth Affairs and Sports was only in respect of the year 2013. Therefore, he would state that the mistake committed by the authority during the previous year cannot be allowed to be continued and that should be stopped for this year.

4. Heard both sides. By consent, the main writ petitions are taken up for final disposal.

5. The short point that arise for consideration is as to whether the students who have come to Court on the basis of the certificates obtained by them, for their participation in the Roller Skating Sports and got awards either in the state level, national level or international level inspite of the Association through which they participated has not been registered with the Sports Development Authority of Tamil Nadu or the Tamil Nadu Olympic Association, have to be considered for selection under Sports quota or not?

6. The prospectus issued by the Anna University for Tamil Nadu Engineering Admissions 2014 regarding selection of candidates under Sports Quota reads as follows:

"Annexure - II

Item No. 21

Selection of Candidates under Quota for Eminent Sports Persons

1. The purpose of this quota is to recognise and give weightage to the sports eminence of the candidates and hence marks for sports achievements alone will be considered in ranking the candidates. The candidates are expected to

continue good performance in sports, even after selection.

2. The candidate may submit all the sports certificates, the highest achievement in only one annual tournament in the sports disciplines in a year will be considered for awarding marks.

3. Selection of the candidate will be based on the marks obtained by the candidate following the guidelines given in the tables.

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#### 4(a) For International Tournaments

##### Category-I:

Olympics, World Cup/Commonwealth Games, Asian games (Games organised in 4 years frequency)

##### Category - II

All other International tournaments not covered under Category I and wherein, not less than six countries had participated and events approved by Ministry of Youth Affairs and Sports/Government of India/Indian Olympics Association (IOA) and cleared by Sports Authority of India (SAI) and Government of India.

Open/Invitational/Memorial/any indifferent nomenclature or title of tournaments/ Championships at International level will not be considered for marks.

1. Participation/achievement in International tournaments will be considered only with earlier achievements at National/State/District level tournaments.

2. The highest achievement in only one annual regular tournament, officially conducted in each year by the IOC for the member NOCs/International Sports Federations affiliated to the IOC in which the players/sports persons representing the Country through IOA/respective National Sports Federations recognised by the Ministry of Youth Affairs and Sports, Government of India/IOA will be considered for award of marks in each year.

3. Only tournaments officially recognised by the Indian Olympic Association/ respective official National Federations will be considered for the award of marks (for each year)

(01.06.2010 to 31.05.2014 (01.06.2010 to 31.05.2011, 01.06.2011 to 31.05.2012, 01.06.2012 to 31.05.2013 and 01.06.2013 to 31.05.2014)

4. Participation/Achievements in tournaments, with Form I alone are eligible for marks indicated in Table (I) above.

5. Players who participated in any of the above I and II - Table (I) Category should produce details of VISA/Immigration entry in passport/clearance from Ministry of Youth Affairs

and Sports (Government of India) - Indian Olympic Association - respective National Sports Federations including BCCI/fixtures or draw or schedule of events/players" accreditation/National Medal - Merit - Participation - Form-I issued by respective National Sports Federation/Medal -Diploma or certificate signed and issued by the President/Secretary General of the National Olympic Committee of the Organising Country and International Federation/Details of Total Number of Countries participated, etc.

(b) For National Tournaments

1. The highest achievement in only one annual tournament, officially recognised as the regular annual championship/tournament by Ministry of Youth Affairs and Sports/Indian Olympic Association/SAI/SDAT/respective official National Sports Federation will be considered (for each year) for the award of marks.

2. Marks will not be awarded for selection trials.

(c) For State Tournaments

The highest achievement in only one annual tournament, officially recognised as the regular annual championship/tournament by respective official State Association/SAI/SDAT will be considered (for each year) for the award of marks."

The Government has very clearly stated that the students who had participated in the recognised events, such as national event, state event or international event are eligible provided the association is a recognised. The same was the clause in the prospectus issued for the last year regarding the selection of candidates under Sports quota pertaining to the prospectus issued by the Anna University. It is also admitted by the learned Additional Advocate General that in the last year, the very same certificate given by the Tamil Nadu Roller Skating Association has been accepted and students have been admitted under this category. However, the learned Additional Advocate General would point out that it is only a mistake committed by the Authority and that cannot be allowed to be continued this year also. Therefore, even though they originally evaluated and granted marks, on finding that the Association is not recognised, they refused to give the accepted marks. The argument of the learned Additional Advocate General at this point of time is very difficult to accept because the students for the past four years have participated in the events in a cumulative manner with a fond hope that they will be considered under the sports quota and also considering the fact that during the previous years the students who have participated in the events through the very same association also have been given admission. Therefore, they were made to understand and believe that these certificates will be a valid one. The Ministry of Youth Affairs and Sports have also issued a certificate recognising the Association during the year 2013. The Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), Government of India vide letter No. F. No. 14034/01/20-13-Estt.(D) dated 03.10.2013 have recognised the Roller Skating sports for providing incentives and the name of the Roller Skating Federation of

India finds place in the list released by the Government of India as item No. 53 for having recognition. It is not specified for one year and that the Roller Skating Federation of India vide their letter in Ref. No. RSFI/GS/ States/1/2014 dated 18.06.2014 has given a certificate stating that the Tamil Nadu Roller Skating Association as the official State Body recognised by the Roller Skating Federation of India for governing the Roller sports activities in the State of Tamil Nadu. Therefore, one thing is clear that the All India Body has recognised the Tamil Nadu Body. Though the Tamil Nadu body has not chosen to get it recognised or registered with the Sports Development Authority of Tamil Nadu or Tamil Nadu Olympic Association and it had sought for recognition only on 09.04.2014, the Association has been affiliated to Roller Skating Federation of India.

7. In view of the above factual position, the following order is passed:

The fact remains that the University has taken into consideration in all these previous years this particular association and admitted the students under sports quota. Accordingly, the University also has completed its process of verifying the certificates of the petitioners herein who have participated in regular annual events for the past four years and also awarded marks to each of the students and thereafter had given an intimation letter holding it as a valid certificate and at this point of time, the University cannot take a different stand. The petitioners must be legitimately expecting that their cases have been considered as already certificate verification is over and at this stage they cannot say that because of the non-recognition of the Association either by the state body or by the Tamil Nadu Olympic Association they are not entitled even to participate in the counselling. It will be a blow on the students who have toiled for the past four years. It is also found that two students have participated in the national level events and one student has participated in the international event and marks also has been awarded. Though it is brought to the notice of the Court that a mistake has been committed while releasing the prospectus, the same cannot be rectified at this stage and only in the next year the same could be rectified. It is not fair on the part of the University to withdraw the marks awarded to them at this stage after the students have been made to believe that their cases will be considered and given a letter in writing recognising their effort.

8. Therefore, the respondents are directed to treat the petitioners as students who are eligible to participate under the sports quota. Their certificates may be re-checked and verified and marks shall be allotted once again based on the evaluation. After completing this process, these students name shall be placed at the relevant places in the ranking list and thereafter they are entitled to participate in the counselling. This Court also makes it clear that this order will not enure to any of the students who have not come to Court so far or others cannot be allowed to bring in similar type of cases. It is open for the University to modify or amend and make it very clear in the prospectus for the future year that insofar as this association is concerned those students who have participated in the events through this association will not be considered.

9. Accordingly, the petitioners will be given the re-evaluated marks and their ranks will be placed at the relevant stage and they will be allowed to participate in the counselling. In view of the urgency of the matter and the counselling to be commenced on 23.06.2014, the learned Standing Counsel for the Anna University is permitted to inform the authority concerned to go ahead with the order passed by this Court today and the detailed order will follow. With the above direction and observation all these writ petitions are allowed. No costs. Consequently, the connected miscellaneous petitions are closed.