

(2015) 04 KL CK 0075

In the High Court Of Kerala

Case No : Writ Petition (C). No. 33817 of 2014 (B)

Athul K.S.

APPELLANT

Vs

Kerala State Sports Council and Others

RESPONDENT

Date of Decision : 10-04-2015

Acts Referred:

Citation : (2015) 04 KL CK 0075

Hon'ble Judges : A.V. Ramakrishna Pillai, J

Bench : Single Bench

Advocate : Ranjith Xavier, for the Appellant; Latha Krishnan, SC, Advocates for the Respondent

Final Decision : Disposed off

Judgement

A.V. Ramakrishna Pillai, J—The petitioner, a 15-year-old student, has approached this Court seeking intervention of this Court in getting the stamp of approval of the petitioner's championship in the 47th Kerala State Shooting Championship, 2014, by the Kerala State Sports Council (the 1st respondent), for securing grace marks in the forthcoming SSLC examinations.

2. The petitioner, who is a 10th standard student at St. Mary's Higher Secondary School at Irinjalakuda, participated in the 47th Kerala State Shooting Championship, 2014. According to him he won four gold medals and one silver medal and broke records of 46 years. In Ext. P2 information, the 1st respondent stated that its observer had not participated in the above mentioned Championship; and recognition is afforded by it only to those championships, in which its observer participates; and the Secretary of the Kerala State Rifle Association recognized by the Kerala State Sports Council is a person other than the one, who has signed petitioner's championship certificate as Secretary. Ext. P4 championship certificate has to be attested by the 1st respondent for its validity. Since the 1st respondent does not recognize the championship and a different person has signed the championship certificate, the 1st respondent refused to give attestation to the petitioner's championship certificate; it is

alleged. According to the petitioner, as the winner in the State Sports Championship, he is entitled to get various benefits like grace marks in SSLC and other public examinations, reservation in course admissions and in the recruitment to various government services etc. For availing such benefits, the petitioner has to submit his championship certificate with attestation from the 1st respondent before the concerned authorities. Any delay caused in getting the attestation/denial of attestation is bound to cause extreme prejudice to the petitioner; it is alleged. According to the petitioner, it is not the duty of a sportsman participating in championships to verify if the observer of the Sports Council is attending the event. "Declining to recognize" a championship or an officer of a recognized sports organization, is not a mode contemplated by the Kerala Sports Act or Rules; according to the petitioner. He further alleges that such a mode is extraneous and ultra vires the Kerala Sports Act and Rules. According to the petitioner, the 1st respondent has no authority to decline/withhold recognition, as stated in Ext. P2, as the same would defeat the very purpose of the second proviso to Rule 60(2) of the Kerala Sports Rules. Therefore, according to the petitioner, the stand taken by the Kerala State Sports Council is arbitrary and illegal. The petitioner's school, vide Ext. P5 letter, has instructed him to submit the championship certificate in the school office for processing the same for grace marks in the forthcoming SSLC examinations and other benefits. The petitioner's grievance is that if he fails to get attestation from the 1st respondent in time, he will be denied grace marks in SSLC and other benefits normally granted to the winners in State Championships. This, according to the petitioner, would adversely affect the future and career of the petitioner.

3. In the counter affidavit filed by the 1st respondent, they pleaded ignorance of any election conducted in the Kerala State Rifle Association (for short, "KSRA") as required under the Kerala Sports Act and Rules, which stipulates that a registered sports organisation should conduct the selection of its office bearers in the presence of an observer deputed by the Kerala State Sports Council. According to them, the championship, alleged to be conducted pursuant to Ext. P1 brochure, was conducted at the behest of Mr. Joe Mangaly, who was shown as the Secretary of the Association. It was pointed out that many a time, there occurs scuffle for power between rival factions working in the association and the 1st respondent could not give sanctity to a championship conducted by the KSRA with a person other than the one in the records of the Sports Council depicted as the Secretary of the Association. They would further contend that the championship allegedly held as per Ext. P1 brochure from 10th to 12th September, 2014 was without the presence of the observer from the Kerala State Sports Council.

4. Arguments have been heard.

5. Though it was made to appear that the sole purpose intended by the filing of this writ petition was to get the stamp of approval of the petitioner's championship by the 1st respondent, the second prayer is for a declaration that

the Kerala State Sports Council cannot decline to recognize the 47th Kerala State Championship conducted by the 3rd respondent citing want of presence/ participation of observer in the championship. The said prayer cannot be allowed straight away, because, there are two other writ petitions as WP(C) Nos. 28978/2014 & 28898/2014, in which relief relating to reconstitution of the State Sports Organization is claimed.

6. However, it appears from record that the petitioner participated in the championship during 10.09.2014 to 12.09.2014, the result of which were announced and published in the website of the Kerala State Rifle Association. The petitioner needs to get attestation on Ext. P4 championship certificate from the Kerala State Sports Council before submitting it to the petitioner's school for further processing. He is required to submit the championship certificate attested by the 1st respondent to his school for producing the same before the 5th respondent, Deputy Director of Education, for obtaining grace marks in the forthcoming SSLC examinations and other benefits. Further, the winnings in championship are also to be entered in the petitioner's SSLC book on the basis of championship certificate. The petitioner's school need to submit his championship certificate to Education Department Authorities at the earliest and any delay caused in getting 1st respondent's attestation or denial of attestation, is bound to delay the submission of championship certificate to school.

7. The fact that the petitioner participated in championship and he came out successful is not at all disputed. The hard work of the petitioner in getting the championship certificate cannot be undermined. Good number of school days might have been lost for training as well as for participating in the championship. Undoubtedly, it might have affected his studies. Though the stand adopted by the 1st respondent is though legally valid, there was no fault on the part of the petitioner in participating in a championship, which was conducted by the KSRA though the same was not in accordance with the rules and regulations governing the conduct of State Championship.

8. The petitioner points out that as per Rule 60(2) proviso, even if the sports organizations' registration is cancelled or withdrawn, the rights or privileges of the sports persons under the Act, Rules and Regulations shall not be affected. That being so, according to the petitioner, even if the registration of KSRA is cancelled or withdrawn by the Sports Council, the rights and privileges of the petitioner shall be protected.

9. Though it was vehemently argued by the 1st respondent that such a contention is a misconceived interpretation of the second proviso of the said rule, the rights of the petitioner cannot be held at bay on account of the dispute between the 1st respondent and the KSRA. It is true that only the rights and privileges of the sports persons derived from the Act, Rules and Regulations stand protected vide the second proviso in case an organization's registration is cancelled or withdrawn. However, considering the facts and taking into account the circumstances of the case, this Court is of the view that the 1st respondent

can be directed to give attestation on Ext. P4 championship certificate immediately upon production of the same for attestation.

Therefore, this writ petition is disposed of as follows;

? Respondents 1 and 2 are directed to give attestation on Ext. P4 championship certificate secured by the petitioner within a period of one week from the date of receipt of a copy of this judgment.

? The 5th respondent is directed to process the championship certificate of the petitioner for grace mark and other benefits immediately after due attestation from the 1st respondent.

? It is hereby made clear that the attestation of Ext. P4 by respondents 1 and 2 by itself will not confer any special status on the association, which conducted the championship and issued the certificate."