

(2023) 01 KL CK 0040
In the High Court Of Kerala
Case No : Writ Petition (C) No. 216 Of 2023

Prabhav A.K

APPELLANT

Vs

University Of Kerala

RESPONDENT

Date of Decision : 06-01-2023

Acts Referred:

Citation : (2023) 01 KL CK 0040

Hon'ble Judges : Devan Ramachandran, J

Bench : Single Bench

Advocate : Adithya Rajeev, T.R.Harikumar, Arjun Raghavan, Thomas Abraham

Final Decision : Allowed

Judgement

Devan Ramachandran, J

1. The petitioners seek that respondents be directed to include the first among them in the Kerala University Team to participate in the All India Inter-University Karate tournament in the 55Kg Kumite category; and to include the second among them in the Kerala University Team to participate in the All India Inter-University Karate tournament in the Kata category forthwith, since the competitions are to begin on 17.01.2023.

2. Sri.T.R.Harikumar – learned counsel for the petitioners, pointed out that the merit of the petitioners is unquestionable, as is evident from Exts.P2 to P5 certificates; and that their proficiency in Karate can never be doubted, because they are medal winners in the most prestigious of the competitions. He alleged that, however, in spite of this, his clients have been denied inclusion during the selection trials conducted by the University of Kerala (University); and that this is illegal and unlawful.

3. In response, Sri.Thomas Abraham – learned Standing Counsel for the University, submitted that a statement, dated 05.01.2023, has been filed on record, wherein, it has been explained that Inter-Collegiate and Inter-University

competitions are different in competing level/standard; and that the team is selected based on the participation in the All India/South India University tournaments, and guided by the remarks of the Selection Committee.

4. Sri.Thomas Abraham added that, therefore, if a player is to be included in the Inter-University Championship solely because he/she had secured first position in Inter-Collegiate tournaments, it would set a very bad precedent and even cast a doubt on the credibility of the Selection Committee.

5. Sri.Thomas Abraham concluded his submissions saying that the winning of first, second and third positions in Inter-Collegiate tournaments is not the sole criteria for being included in the University Team; and that the candidate must clear selection trials conducted by the University for such purpose. He added that this is more so because the technical aspects/performance of the team and the individual will be evaluated by the Selection Committee during such processes.

6. Though one can never find fault with the afore submissions of Sri.Thomas Abraham, the fact remains that Exts.P2 to P5 certificates of the petitioners show that their merit is not merely in Inter-Collegiate tournaments, but also in State Level competitions and such other. The fact that they have secured high places in the Inter-Collegiate and State Level competitions is without doubt; and am, therefore, of the firm view that they should be given latitude or being allowed to participate in the National Level competitions also.

7. In any event, I do not see, even from the statement on record of the University, that the petitioners' proficiency in Karate or their credentials in the past, found to be not impressive. In fact, this is virtually admitted.

In the afore circumstances, I order this writ petition and direct the 3rd respondent – The Director, Physical Education Department, to include the petitioners in their chosen disciplines, for the purpose of taking part in the National Level competitions; and to issue orders in this regard not later than 09.01.2023, so that they can then participate in the competitions, to begin on 17.01.2023.