



to Japan school and having its main office at Malaysia. Petitioner participated in many karate tournaments including international, national and state level competitions and secured gold medals. She is also a Basketball player, participated in District level tournaments and obtained winner and runner-up cups. The various tournaments and position obtained by the Petitioner are detailed in para 3 of the affidavit.

3. "As per prospectus Clause 3.5 (v) three seats are reserved for every sportsman. A notice also appended to the clause, which is also to be complied with at the time of application. It is the case of the Petitioner that she secured more than 50% of marks in each of the subjects prescribed for M.B.B.S. course and she also produced sponsorship certificate duly countersigned by the authorities as required by the Respondent.

4. It is the case of the Petitioner that she has not only participated in the sports but also secured First Prize in the International Invitation

Tournament in 45 Kgs weight Class event in Karate held at Madras University Indoor Stadium on 12th and 13th August, 1995. The said

tournament was conducted by Tony Ponnaiah-San Persatuan Karate-Do India, Madras, which is affiliated to Japan School and having office at

Malaysia, which is an International body having branch associations all over India.

5. On 5.8.1998, the list was published in Hindu daily and the Petitioner's number was not included, though other persons who obtained lesser

marks found admitted in the course. It is the case of the Petitioner that when she has participated in tournaments and obtained gold medals, she

ought to have been given preference and the selection made by the Respondents is challenged as ultra vires and illegal.

6. A detailed counter affidavit has been filed by the third Respondent, the Selection committee. According to the counter affidavit, Petitioner has

not satisfied any of the conditions of the prospectus and therefore she was not selected. It is seen that the Petitioner was sponsored M/s. Tony

Ponnaiah-San Persatuan Karate-Do India, Madras, is a society registered under Societies Registration Act bearing registration No. 193 is neither

a National body or State body. The claim of the Petitioner for admission on the ground of her participation at the international level could not be

considered as the certificate of the Petitioner was not counter-signed by the Director of Sports and Youth service certifying the fact that the

candidate had participated in the international level and that she is eligible to be considered under sports quota and the Petitioner also did not

enclose the above certificate. Therefore, the only eligible candidate with 168.84 marks was selected at the international level and the remaining two

seats were allotted to candidates of the national level who had secured 280.92 and 277.75 marks. The Petitioner obtained only 225.84 marks and

she has no right of selection at the national level. She has also not filed proof of having participated at national level and the same is also not

certified by the Director of Sports and Youth service..

7. With regard to her participation in State level being a basket ball player, her case was considered and she has been included in the merit list

from among the eminent sportsmen. Since only three seats are available in the quota, the Petitioner, who is figuring at Sl. No. 17, which is far

below could not be given admission. It prayed for dismissal of Writ Petition.

8. Reply affidavit has been filed by the Petitioner, wherein it is stated that the Tony Ponnaiah San Persaivan Hayash Ha Karate Do India is a

registered society and the same is affiliated to Persatuan Hayashi Ha Shito Kaikarate Do Malaysia, Japan, which according to the Petitioner is an

international body. It is further said, as per the letter dated 16.3.1998, addressed to the Registrar, Anna University, Chennai by the Secretary to

the Government, Higher Education Department, the present system of attestation of certificates of sports-persons by Member Secretary, Sports

Development Authority of Tamil Nadu was dispensed with from the academic year 1998-99. Therefore, the counter signature of the concerned

authority was not obtained as unnecessary. It therefore prayed that the Petitioner is entitled for admission under Sports Quota.

9. I heard both side counsel in detail.

10. Before going into the rival contentions, it is only proper to extract that portion of the prospectus on the basis of which Petitioner seeks

admission for M.B.B.S.

3.5 (V) SEATS RESERVED FOR EMINENT SPORTSMEN.

NO. OF SEATS RESERVED IN M.B.B.S. - 3

The candidates seeking admission under this category shall be considered in the following order of preference;

(a) Participation at International level-the candidate having been sponsored by a national body.

(b) Participation at National level-the candidate having been sponsored by a State Body or University.

(c) Participation at State Level-the candidate having been sponsored by Zonal or District Association.

Note: The candidate other than SC/ST should have scored a minimum of 50% marks in each of the subjects prescribed for admission in M.B.B.S.

course. Sponsorship Certificate countersigned by the Director of sports and Youth service certifying the fact that the candidate has participated in

the International/National/State Level events and that he is eligible to be considered under the Sports Quota should be submitted along with the

application-Inclusion of a candidate in a team will make him eligible for consideration under this Category..

11. According to the Petitioner, attestation of certificates, which is noted in the prospectus has been dispensed with. The learned Counsel for the

Petitioner relies on a letter of the Secretary to Government, Higher Education Department dated 16.3.1998, addressed to the Registrar, Anna

University, which read thus, ""Sub: Technical Education-Admissions to Professional Courses under ""Sports Quota" -Attestation of certificates by

the Member - Secretary, Sports Development Authority of Tamil Nadu as a bona fide for admission-Dispensation-Instructions-issued.

Ref: From the Member-Secretary, Sports Development Authority of Tamil Nadu D.O. Lr. No. I7009/EI/97, dated 17.2.1998.

In the circumstances stated by the Member-Secretary, Sports Development Authority of Tamil Nadu in his D.O. Letter cited, the Government

direct that, the present system of attestation of certificates of Sports persons by Member- Secretary, Sports Development Authority of Tamil

Nadu be dispensed with from the coming academic year, i.e., 1998-99.

2. Consequently, the selection Committee for professional courses will itself verify the original certificates of such persons at the time of interview,

etc"".

It is after this letter, the prospectus itself was printed and I do not think that the same will have any application for M.B.B.S. Course. The letter

deals with only Engineering courses. The learned Counsel for the Selection

Committee further submitted that a committee has also been constituted to consider the quota reserved for eminent sportsmen for the year 1998-99. He brought to my notice G.O.(2e) No. 77 dated 30.6.1998 for the above purpose, which read thus, ""In the G.O. first read above, orders have been issued approving the policy procedure, guidelines etc. for admission to I year MBBS course for the year 1998-99.

2. The Government have reserved 3 (Three) MBBS seats under eminent Sportsman Quota for the year 1998-99. The Government have decided to constitute a Special Committee for selection of the MBBS candidates under Sports Quota for the year 1998-99. They accordingly constitute a Special Committee for selection of the MBBS candidates under the Sports Quota for the year 1998-99 and nominate the following officers to examine and suggest suitable candidates under Sports Quota to the Selection Committee, Kilpauk Medical College Hospital Campus, Chennai-10 for admission in MBBS course for the year 1998-99.

1) Thiru Pandurangan, Director of Physical Education Chennai University (Madras University).

2) Tmt. Shyamala, Director of Physical Education, Chennai Medical College, Chennai.

3) Thiru. K. Murugan, Director of Physical Education and Secretary General, Tamil Nadu State Olympic Association.

3. The Secretary, Selection Committee, Kilpauk Medical College Hospital Campus is directed to render necessary assistance to the members of the Special Committee mentioned in para 2 above.

12. The learned Government Pleader also submitted that the letter relied on by the Petitioner will not apply to the Medical institution and the

Petitioner will have to comply with the conditions stipulated in the prospectus. According to me, the contention of the Government Pleader alone

will have to be accepted. Even though the letter is dated 16.3.1998, it cannot be assumed that the authorities were not aware of the letter dated

16.3.1998 when the prospectus were published. Long before the academic year 1998-99 begin, the letter has been issued to Anna University. It

also makes reference of a previous letter dated 17.6.1992. Even though the subject relates to Sports Quota and attestation of certificates, I do not

think that the same could be applied to medical and paramedical when the

prospectus 1998-99 do not make it clear. In the Prospectus, it is found that the certificate will have to be countersigned by the Director of Sports and Youth Service certifying the fact that the candidate had participated in international and national and State level events. It must be further proved by the candidate that if the participation was in International level, the candidate must have been sponsored by the National body; if the participation is in national level, the candidate must have been sponsored by the State body and if the participation is in the Zonal level, the candidate must have been sponsored by the District body. None of the above conditions is also satisfied in this case.

13. According to the Petitioner, M/s. Tony Ponnaiah San Persaivan Hayash Ha Karate Do India is the registered Society. It is also affiliated to a body in Japan and having its head Office at Malaysia. A society registered under Societies Registration Act can never be treated as National body. It is like a primary club registered in India. It has no sanctity as a National body as is contended by the learned Counsel. May be it has branches all over the world. But the question whether it is a national body that has sponsored the Petitioner for the international event, absolutely no evidence is produced to substantiate the same.

14. In 1995 WLR 851 (Midhuna Nathan v. State of Tamil Nadu rep. by its Secretary, etc. and Ors.), a Division Bench of this Court considered this question in para 22 and 23 of its Judgment. The Bench held thus, "The following principles can be culled out from the above rulings;

1. The rules and norms contained in the prospectus are binding on the Selection Committee and the authorities and have to be strictly followed.

2. The special categories for whom seats are reserved are different sources from which selection is made. It is not a case of reservation contemplated by Article 15 of the Constitution of India.

3. The rules have to be understood in the light of the intention with which they are framed. The intention should not be defeated by procedural technicalities. Even in the absence of a certificate as required, the fulfilment of the requirement of the rules can be proved by other materials placed before the Selection Committee.

4. The Tamil Nadu Prospectus sets out the order of preference among the Sportsmen.

(i) Participation at International level

(ii) Participation at National level

(iii) Participation at State level. The 1st category will exclude the 2nd and the 2nd will exclude the 3rd.

5. Two basic requirements should necessarily be satisfied in order to make a candidate eligible for consideration:

(i) Participation in State/National/International Sports events.

(ii) The candidate was sponsored by zonal or District Association/State Body or University/National Body.

6. The eminence of a sportsman is determined by the participation in the sports events at the levels specified on being sponsored by the respective bodies mentioned in Clause 3.5. (v).

7. Once a candidate is found to be falling within a category, there cannot be a further probe into comparative eminence among the persons in that category. Selection from among them has to be decided on the basis of academic marks.

8. There cannot be selection on the basis of communal reservation from among the eminent sportsmen.

9. Participation in team events cannot be confined to actual playing. It is enough if a person is a member of the team selected to participate in the event.

F. Interpretation of the Prospectus for 1994-95 and 1995-96.

In the light of the principles set out above, if the provisions in the prospectus are examined, there will be no difficulty in holding that under Clause

3.5 (v), the two requisites which are sine quo non are, (i) Participation at International/National/State level of sports, and (ii) Sponsoring respectively by a National body/a State body or University/Zonal or District Association.

Normally a sponsorship certificate issued by the sponsoring body and counter-signed by the Director of Sports and Youth Service should be produced. In the absence of such a certificate the eligibility for consideration can be proved by other materials to the satisfaction of the Selection Committee.

Even though their Lordships interpreted the prospectus for the year 1994-95 and

1995-96, there is no difference in the present prospectus also.

The Law declared by the Bench even now holds good.

15. The Petitioner has no case that she has produced the certificates as stipulated in the prospectus either along with the application or any time

thereafter. When it is specifically stated in the counter that the Petitioner has not participated in the international events, sponsored by National

body and the certificate produced now also was not countersigned by the authorities concerned, I do not think any ground is made out to hold that

the Petitioner is entitled to get admission. She has also not been sponsored by the State body to participate in the National level. Petitioner has

participated in State level basket ball tournament and her merit has been considered. That has not been challenged by the Petitioner. Her claim is

based on participation in International level event in Karate.

16. In the result, the Writ Petition is without any merits and hence the same is dismissed. No costs. Consequently, the W.M.P.18227 of 1998 is

closed.