

(2023) 02 KL CK 0088

In the High Court Of Kerala

Case No : Writ Petition (C) No. 38094 Of 2022

Satheesh Kumar R

APPELLANT

Vs

Kerala State Sports Council

RESPONDENT

Date of Decision : 10-02-2023

Acts Referred:

Citation : (2023) 02 KL CK 0088

Hon'ble Judges : N. Nagaresh, J

Bench : Single Bench

Advocate : T.Sanjay, Sanil Kumar G., Midhun R., Latha Anand, Pirappancode V.S. Sudheer, Govind K.Bharathan, Vishnu Pradeep, Tissy Rose K Cherian, Akash S., Girish Kumar M S, V.S.Varalekshmi, Devika Jayaraj

Final Decision : Dismissed

Judgement

N. Nagaresh, J

1. The petitioner, who is a Swimming Champion, seeks to declare that the petitioner is eligible to be appointed as Swimming Trainer/Coach at District Sports Academy, Pirappancode under State Level Khelo India Centre Scheme on the basis of Exts.P1 to P4 Certificates and Ext.P5 Government of India Guidelines.

2. The petitioner states that he hails from the Swimming Village of Manickal, Pirappancode, Thiruvananthapuram District. The petitioner was part of CISF Central Swimming Team for 22 years. The petitioner won three individual medals and one team medal in Relay for Central Police force. The petitioner secured third position in 200 m. Butterfly Stroke in the 54th Senior National Aquatic Championship held at Mumbai.

3. The petitioner also secured third position in 200 m. Butterfly Stroke in the 55th Senior National Aquatic Championship held at Calcutta. Again, the petitioner came in the third position in 4 x 100 metre Medley Relay in 56th Senior National Aquatic Championship held at Thrissur. The petitioner secured 40 medals for CISF including three Gold Medals in All India Police Aquatic Championships in

various years. In recognition of his achievements, the CISF granted him three promotions and he was elevated to the rank of Inspector in the year 2020. The petitioner took voluntary retirement from the CISF with effect from 31.10.2022.

4. The petitioner states that the Government conceptualised Khelo India Scheme as per Ext.P5 letter dated 29.06.2020. As part of Government's vision to strengthen the sports ecosystem in the country at the grassroot level, a low-cost, effective sports training mechanism has been developed wherein past Champion Athletes would become Coaches and Mentors so that their expertise and experience would be properly utilised for nurturing of Athletes at grassroot level and also to ensure a sustained source of income for them.

5. According to the petitioner, as per Annexure-II attached to Ext.P5 letter, in the method of appointing past Champion Athletes as Sports Trainees/Coaches, first preference has to be given to those who have represented India at recognised International Competitions. The second preference is to Medal Winners at Senior National Past Championships conducted by recognised NSF or Medal Winner at Khelo India Games. The Medal Winners at National AIU Past Championships will get the third preference. The fourth preference would go to persons who have represented the State in Senior National Championship.

6. The petitioner states that taking into consideration the Medals won by the petitioner, he is entitled to get the second preference in the matter of appointment of Past Champion Athletes. The 2nd respondent is an Athlete in the field of Water Polo. Even if the achievements of the 2nd respondent are taken into account, he will be eligible only for the third preference and that too in the field of Water Polo only, asserts the petitioner.

7. The petitioner states that by Ext.P7 notification, the 1st respondent invited applications from eligible candidates to be appointed as Coach, for 12 sports disciplines, including Swimming. Interview dates were fixed on 02.11.2022 and 03.11.2022 for various Districts. For the vacancy of Sports Trainee/Coach in the discipline of Swimming in District Sports Academy, Pirappancode, there were only two candidates who appeared in the interview. Though the petitioner belonged to second preference category, the 1st respondent selected the 2nd respondent as Sports Trainee/Coach for the discipline Swimming.

8. The petitioner would submit that the appointment of the 2nd respondent, a Water Polo Player, as Swimming Coach for State Level Khelo India Centre, Thiruvananthapuram is illegal and goes against Ext.P5 Guidelines. None having first preference attended the interview. The petitioner is entitled to second preference for appointment as Swimming Coach. The 2nd respondent is entitled only to third preference and that too for the discipline Water Polo. The 2nd respondent is not equipped to give training in Swimming. The 2nd respondent is an unqualified Swimming Coach, he being only a Water Polo Champion. Ext.P8 proceedings are therefore highly illegal and arbitrary and are liable to be set aside. The 1st respondent is compellable to appoint the petitioner as Swimming

Coach at District Sports Academy, Pirappancode, Thiruvananthapuram as per the State Level Khelo India Centre Scheme in accordance with Ext.P5 Guidelines and Ext.P7 Notification, contended the petitioner.

9. The 1st respondent resisted the writ petition filing counter affidavit. The 1st respondent stated that the certificates of the petitioner were examined by the interviewers and it was found that those credentials were issued to him in the competitions held about 20 years ago, during 1999 to 2002. As per the records, the last certificates obtained by the petitioner are the ones for securing third place in the 200 m. Back Stroke and second place in 4 x 100 metre Medley Relay. As those events happened long ago, the interviewers found that the fitness of the petitioner to be a Swimming Coach as on date, is doubtful. The petitioner did not produce any other credentials in the events he participated after the year 2002.

10. The 2nd respondent had presented certificates showing that he has been active in the sport to Swimming until recent times. The 2nd respondent submitted certificate of eligibility as the winner in the sport of Water Polo obtained in the 73rd Senior National Aquatic Championships of the year 2019 organised by the Swimming Federation of India. He has also produced a certificate of experience from an affiliated Swimming Club known as the "Dolphin Club" as a Trainer of the "Day Boarding Scheme (Swimming)" from 01.08.2017 to 31.03.2021.

11. The 1st respondent submitted that the sport of Water Polo is a combined form of all swimming styles. An expert sports person who plays Water Polo must be acquainted with all forms of swimming styles like freestyle, backstroke, breaststroke, etc. All of the swimming techniques mentioned above are required for the player's body movements in Water Polo. The Water Polo is considered as one of the toughest Olympic sports by experts. As per the certificates issued by the Swimming Federation of India, Swimming, Water Polo and Diving come under a single category of water sport namely, Aquatics. In the said circumstances, the 2nd respondent was found to be of superior merits than the petitioner, for appointment as Swimming Coach.

12. The 2nd respondent also filed a counter affidavit in the writ petition. The 2nd respondent submitted that he has been working as Trainer of Day Boarding Scheme (Swimming) of the Dolphin Club. The students under the 2nd respondent made spectacular performances. The Kerala Aquatic Association has certified that the 2nd respondent is the winner of men's section of the Water Polo even in the 69th Senior Kerala State Aquatic Championship, 2022. The petitioner has been keeping away from Swimming and hence there is no question of his being appointed as a Trainer in preference to the 2nd respondent.

13. I have heard the learned counsel for the petitioner, the learned Standing Counsel representing the 1st respondent, the learned counsel for the 2nd respondent, the learned Standing Counsel for the 3rd respondent and the

learned Deputy Solicitor General of India representing the 4th respondent-Union of India.

14. Ext.P5 is the Implementation Guidelines for Khelo India Centres framed by the Ministry of Youth Affairs and Sports, Government of India. The Sports Ministry decided to establish 1000 Khelo India Centres, in order to strengthen the sports ecosystem in the country with effective sports training mechanism under which past "Champion Athletes" would become Coaches and Mentors so that their expertise and experience would be properly utilised for nurturing of athletes at grassroot level and also to ensure a sustained source of income for them. As per the modified guidelines, for selection of past Champion Athletes, first preference has to be given to those who represented India at recognised International Competitions. The second preference would go to Medal Winners at Senior National Past Championships or Medal Winner at Khelo India Games. The Medal Winners at National AIU Past Championships would get the third preference.

15. In the present case, applications were invited for selection to State Level Khelo India Training Centres as per Ext.P7, including one in the District Sports Academy, Pirappancode, Thiruvananthapuram, for the sports Swimming. The petitioner who was an applicant claims that he was part of CISF Central Swimming Team based at New Delhi for 22 years, up to the year 2018. The petitioner won three individual Medals and one Team Medal in Relay for Central Police Team in the Senior National Championship in the years 1999, 2000 and 2002.

16. The petitioner secured third position in 200 metres butterfly stroke in the 54th Senior National Aquatic Championship held at Mumbai. The petitioner secured third position in 200 metres Butterfly Stroke in 55th Senior National Aquatic Championship held at Kolkata. The petitioner again achieved third position in 200 metres Butterfly Stroke in 55th Senior National Aquatic Championship held at Thrissur. From the afore achievements, it is evident that the petitioner is entitled to the second preference as per Ext.P7 notification.

17. There was no candidate among those attended the interview who was entitled to first preference. The 2nd respondent, who attended the interview and who was selected, had produced certificate of eligibility as the winner in the sport of Water Polo obtained in the 73rd National Aquatic Championship, 2019 organised by the Swimming Federation of India. He had also produced Certificate of experience from an affiliated Swimming Club "Dolphin Club" as a Trainer of the Day Boarding Scheme (Swimming) from 01.08.2017 to 31.03.2021.

18. The Interview Board found that the certificates produced by the petitioner before the Interview Board were of events which held about 20 years ago. The Interview Board had no material on record to conclude that the petitioner has been in active sports since the year 2002. According to the 1st respondent, the petitioner did not present any credentials to the interview panel to demonstrate

that he has been active in Swimming after the year 2002.

19. The 2nd respondent, on the other hand, not only produced certificate in respect of winning Senior National Aquatic Championship in the year 2019 organised by the Swimming Federation of India, but also produced certificate of experience from an affiliated Swimming Club which showed that he was a Trainer of the "Day Boarding Scheme (Swimming)" till 31.03.2021. It in the said circumstances that the Interview Board selected the 2nd respondent. I do not find any irregularity in selecting a Coach / Trainer who was in the field till the year 2021 as against a candidate whose proven performance (as per the Certificates produced before the Board of Interview) was of 20 years ago.

20. The petitioner would further argue that the selection was for appointment of Coach/Trainer in the discipline Swimming and the 2nd respondent had no experience in Swimming and his achievement was in the discipline Water Polo. According to the 1st respondent, the sport of Water Polo is a combined form of all swimming styles. An expert Water Polo player must be acquainted with all forms of swimming styles like Freestyle, Backstroke, Breaststroke, etc. All swimming techniques are required for the player's body movements in Water Polo. Water Polo is considered one of the toughest Olympic Sports, by experts. As per the certificates issued by the Swimming Federation of India, Swimming, Water Polo and Diving come under a single category of water sport, namely "Aquatics".

21. I find considerable force in the said statement made by the 1st respondent. Moreover, the 2nd respondent also had experience as a Trainer of the Day Boarding Scheme (Swimming) from 01.08.2017 to 31.03.2021.

In such circumstances, I do not find any illegality in the selection of the 2nd respondent. The writ petition is therefore without any merit. The writ petition is therefore dismissed.