
(2023) 10 KL CK 0125

In the High Court Of Kerala

Case No : Writ Petition (C) No. 34439 Of 2023

Thanmay M

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 20-10-2023

Acts Referred:

Citation : (2023) 10 KL CK 0125

Hon'ble Judges : Devan Ramachandran, J

Bench : Single Bench

Advocate : Ferha Azeez, Safa Navas, Vidya Kuriakose

Final Decision : Allowed

Judgement

Devan Ramachandran, J

1. The petitioner – who is a minor and represented by his mother in this Writ Petition – asserts that, in the District Level Championships and qualifying events, he obtained equal marks as the candidate who won Gold Medal; and that, as per the extant Rules, the 3rd respondent – Kerala Roller Skating Association, was to conduct a 'tie-breaker' event, to decide which among them should be sent for the State Level Meet. He says that, instead of doing so, he has been singled out and the other candidate sent for the competition; thus constraining him to approach this Court through this Writ Petition.

2. I notice from the files that even though petitioner has taken out notice to respondents 2 and 3 by Special Messenger, it has been returned with an endorsement that they were not available in the address shown; and that when the messenger contacted them over phone, they said that they are out of Kerala and their addresses have changed.

3. Smt.Ferha Azeez – learned counsel for the petitioner, submitted that the State Level competitions are scheduled to be conducted on 26.10.2023; and that unless emergent orders are now issued, her client will be left without any other

remedy.

4. I notice from the pleadings on record – which remain uncontested as of now – that the petitioner asserts that he has equal marks with the candidate now selected for participating in the State Level competitions. If this be so, certainly his case ought to have been considered appositely by the respondents 2 and 3; but since they have not done so, I am of the firm view that this Court will have to come to his aid.

5. Taking note of the fact that the petitioner is only 7 years in age and has been training hard for the State Level Competitions – which is evident from the factum of him having performed extremely well in the District Level and qualifying events – I deem it appropriate to allow him also to participate in the State Level Meet.

Resultantly, this Writ Petition is allowed and respondents 2 and 3 are directed to ensure that the petitioner is also allowed to participate in the State Level Meet, subject to all other requirements, if any, in law being satisfied.