



W.P.No.7065 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.7065 of 2024
and W.M.P.No.7886 of 2024

N.Shanmuga Vadivu

... Petitioner

Vs.

1.The Chairman

Sub-Committee

Tamil Nadu Uniformed Services Recruitment Board

Old Commissioner of Police Campus

Pantheon Road, Egmore

Chennai – 600 008.

2.The Member

Tamil Nadu Uniformed Services Recruitment Board

Old Commissioner of Police Campus

Pantheon Road, Egmore

Chennai – 600 008.

3.The Member Secretary

Tamil Nadu Uniformed Services Recruitment Board

Old Commissioner of Police Campus

Pantheon Road, Egmore

Chennai – 600 008.

4.The Deputy Commissioner of Police

Chairman, Sub-Committee

Municipal Police Office

Coimbatore – 641 018.

5.The Member Secretary

Sports Development Authority of Tamil Nadu

Jawaharlal Nehru Stadium Complex

Periamet, Chennai – 600 003.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to proceedings no. Nil Annexure- 10 Disqualification Slip vide Na.Ka. No.A4/00102024 dated 07.03.2024 issued to the petitioner (Enrollment No. 6501346) by the 4th respondent and quash the same and further directing the respondents herein to consider the claim of the petitioner for appointment of common Recruitment for the posts of Grade - II Police Constables, Grade II Jail Warders and Firemen for the year 2023, Common Recruitment 2023 under the Special Reservation of 10 % under the Sports category.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mrs.D.Sowmi Dattan, SC
for RR1 to 3
Ms.N.S.Tanvi for R5
For R4 – Tapal returned
(insufficient address)

ORDER

This Writ Petition has been filed challenging the disqualification slip issued by the 4th respondent to the petitioner dated 07.03.2024 and for consequential directions to the respondents to consider the claim of the petitioner for appointment to the post of Grade II Police Constable, Grade II Jail Warden and Fireman, pursuant to the notification issued by the 3rd respondent – Tamil Nadu Uniformed Services Recruitment Board (TNUSRB) dated 08.08.2023.



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2. The case of the petitioner is that she had submitted her application for the selection pursuant to the notification issued by the Tamil Nadu Uniform Services Recruitment Board dated 08.08.2023, under the Sports Quota. The petitioner submitted all the documents including certificates issued by the Tamil Nadu Amateur Silambam Association (in short 'TNASA'). That apart, the petitioner had won a gold medal in the National level event conducted by the All India Silambam Federation (in short 'AISF') during 02.03.2022 to 05.03.2022.

3. The grievance of the petitioner is that she was entitled for surplus marks and to be considered under the Sports Quota, whereas the impugned disqualification slip was issued on the ground that the TNASA is not recognized by the State Development Authority of Tamil Nadu (in short 'SDAT'). In view of the same, the petitioner had only secured 48 marks and she was not in the zone of consideration, where the qualifying mark was fixed as 56. It is under these circumstances, the present Writ Petition came to be filed before this Court.

4. The 5th respondent has filed a counter affidavit. The 5th respondent has taken a stand that the petitioner has claimed for consideration under the Sports

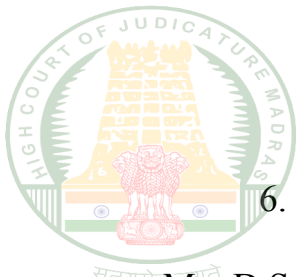


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Quota by relying upon the gold medal secured by her in the 18th National Silambam Championship. This Championship competition was conducted from 02.03.2022 to 05.03.2022. As on that date, the SDAT has not recognized the said association - TNASA. In view of the same, the participation of the petitioner in the Championship competition was not considered to be a participation representing the State of Tamil Nadu and such participation was considered to be a participation only on behalf of the association which was not recognized.

5. The 5th respondent has taken a further stand that the TNASA is affiliated to AISF. The AISF was declared to be a defunct society through the gazette notification dated 15.05.2019. The said fact was considered by this Court in W.P.Nos.17424 and 13262 of 2021 dated 28.01.2022 and this Court held that in the absence of recognition by the appropriate authority, the said AISF cannot conduct National level sports activity in Silambam. In the light of the above order passed by this Court, the TNASA already loses its recognition, since it is affiliated to the AISF. In view of the same, the respondents have sought for dismissal of the present Writ Petition.



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6. Heard, Mr.M.Velmurugan, learned counsel for the petitioner;

Mrs.D.Sowmi Dattan, learned Standing Counsel for the respondents 1 to 3 and

Ms.N.S.Tanvi for the 5th respondent.

7. The learned counsel appearing on behalf of the 5th respondent submitted that a thorough certificate verification was done and wherever the candidates have received certificates from the TNASA and represented the said association in the National level games, all those certificates were rejected and found to be not valid. Supporting the same, the learned counsel produced a communication of the SDAT dated 04.01.2024 made to the TNUSRB.

8. The short issue that arises for consideration in the present case is as whether the certificate issued in favour the petitioner in the National Level Sports Championship conducted by the AISF in which the petitioner had secured gold medal has to be considered and the petitioner has to be allotted with appropriate marks for being considered under the Sports Quota.

9. The fact remains that the TNASA is a State Level Association which is affiliated with the AISF. The petitioner has secured a gold medal in the National



Level Silambam Championship which was conducted by the AISF. The TNASA has also granted a separate certificate in Form-2 in this regard. This competition was held between 02.03.2022 to 05.03.2022.

10. The main ground that has been raised on the side of the respondents is that the said Championship competition itself cannot be recognized, since the AISF was declared to be defunct as per the gazette notification dated 15.05.2019. The 5th respondent is also heavily relying upon the order passed by this Court in W.P.Nos.17424 and 13262 of 2021 dated 28.01.2022, wherein this Court had taken into consideration the gazette notification through which the AISF was declared to be defunct and consequently, this Court had held that the said Federation cannot conduct the National Level Sports Championship.

11. After the above order was passed by this Court on 28.01.2022, the AISF has proceeded to conduct the National Level Silambam Championship from 02.03.2022 to 05.03.2022. The petitioner had participated in this competition and had secured a gold medal.



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12. The learned counsel for the petitioner submitted that the Government of India, Ministry of Youth Affairs & Sports had withdrawn the recognition of AISF only by a communication dated 29.07.2022. In view of the same, the competition that was held before that cannot be nullified and the gold medal secured by the petitioner has to be recognised.

13. The proceedings dated 29.07.2022 issued by the Government of India is only a follow up of the order passed by this Court in W.P.Nos.17424 and 13262 of 2021 dated 28.01.2022. Therefore, the very legal status of the AISF as on 29.07.2022 is non-est in the eye of law. This is in view of the fact that this association has been declared to be defunct as per the gazette notification dated 15.05.2019. Once such notification has been issued, such an association will not remain alive in the eye of law. However, this association proceeded to conduct the National Level Silambam Championship, after the order was passed by this Court, from 02.03.2022 to 05.03.2022. Unfortunately, the petitioner had participated in this championship and had secured gold medal. The TNASA which is affiliated to the AISF has also issued certificate in Form - 2. This Certificate pales into insignificance, since on the date when the competition was held, AISF was not existing in the eye of law and therefore, the championship



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conducted by them can never get a recognition. The subsequent proceedings of the Government of India, Ministry of Youth Affairs & Sports dated 29.07.2022 is only a follow up to the order passed by this Court in W.P.Nos.17424 and 13262 of 2021 dated 28.01.2022.

14. The contention of the learned counsel for the petitioner is that the withdrawal of the recognition by the Central Government was effective only from 29.07.2022 and therefore, the championship conducted before that must be held to be valid.

15. This contention is liable to be rejected by this Court, for the simple reason that the AISF is non-est in the eye of law from 15.05.2019. Therefore, when the association is non-est in the eye of law, the so called recognition that was subsisting till 29.07.2022 also pales into insignificance. There can never be a recognition for an association which is not existing in the eye of law.

16. This is an unfortunate case where the petitioner who is innocent had participated at a National level event and secured gold medal, has been caught in the crossfire and the championship in which she had participated cannot be



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recognised, since, it was conducted by an association which had become defunct on 15.05.2019. This championship was conducted by that association inspite of the order passed by this Court on 28.01.2022. Therefore, the certificate issued in favour of the petitioner cannot be held to be valid and it cannot be acted upon.

17. In the light of the above discussion, the prayer as such sought for by the petitioner cannot be granted by this Court. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

25.09.2024

Internet : Yes/No
Index : Yes/No
Speaking Order / Non Speaking Order
Neutral citation : Yes/No
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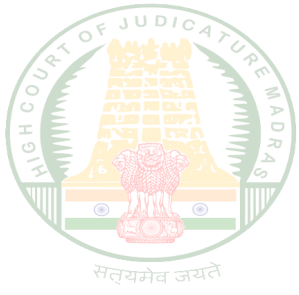
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