

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 30TH DAY OF JULY 2020 / 8TH SRAVANA, 1942

WP(C).No.6693 OF 2020(J)

PETITIONERS:

- 1 ANAMIKA JOHNS,
AGED 20 YEARS,
D/O.JOHN.T.,
RESIDING AT THOTTIYIL HOUSE,
CHENNALODE P.O.,
KALPETTA,
WAYANAD-673122.
- 2 ANEESHA GANESH,
AGED 22 YEARS,
D/O.GANESAN,
RESIDING AT KSEB QUARTERS NO.E33B,
MOOLAMATTOM P.O.,
IDUKKI-685589.
- 3 AJINS T.SAJI,
S/O.T.J.SAJI,
RESIDING AT THOPPURATH HOUSE,
KAVUMANNAM P.O.,
KALPETTA,
WAYANAD-673122.
- 4 JASMIN SUNNY,
AGED 23 YEARS,
D/O.SUNNY,
RESIDING AT ILLICKAL HOUSE,
CHENNALODE P.O.,
KALPETTA,
WAYANAD-673122.

BY ADV. KUM.NIHARIKA HEMA RAJ

RESPONDENTS:

- 1 KERALA TABLE TENNIS ASSOCIATION
(AFFILIATED TO THE KERALA STATE SPORTS COUNCIL)
REPRESENTED BY ITS PRESIDENT,
REGIONAL SPORTS CENTRE,
KADAVANTHRA,
ERNAKULAM,
KOCHI-682020.

- 2 KERALA STATE SPORTS COUNCIL,
REPRESENTED BY ITS SECRETARY,
YMCA ROAD,
STATUE,
THIRUVANANTHAPURAM-695001.
- 3 ERNAKULAM DISTRICT TABLE TENNIS ASSOCIATION,
REPRESENTED BY ITS SECRETARY,
10D, SYLVAN HEIGHTS,
CHILAVANNOOR ROAD,
KADAVANTHRA-682020.
- 4 STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
SPORTS AND YOUTH AFFAIRS DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-1.

R1 BY ADV. SRI.P.B.KRISHNAN
R1 BY ADV. SRI.P.B.SUBRAMANYAN
R1 BY ADV. SRI.SABU GEORGE
R1 BY ADV. SMT.B.ANUSREE
R1 BY ADV. SRI.MANU VYASAN PETER
R2 BY ADV. SMT.LATHA ANAND
GOVERNMENT PLEADER - SMT. PRINCY XAVIER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.07.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

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Dated this the 30th day of July, 2020

The petitioners, who are students and Table Tennis players, are before this Court seeking to direct the 1st respondent to issue to the petitioners certificates of merit and participation for which they are eligible with regard to the 49th Inter District and 68th Kerala State Table Tennis Championship, 2019.

2. The petitioners state that they played and secured high ranks in the 49th Inter District and 68th Kerala State Table Tennis Championship, 2019 held at Rajiv Gandhi Indoor Stadium, Cochin from 05.10.2019 to 08.10.2019. The Championship was conducted by the 1st respondent-Kerala Table Tennis Association in association with the 3rd respondent-Ernakulam District Table Tennis

Association. However, in spite of the high ranks secured by the petitioners, certificates of merits or participation are not issued to them. Such certificates will entail benefits of grace marks in examinations conducted by the University, Boards of Examinations, UPSC, KPSC, etc. It will also help them in getting Scholarships and Quotas.

3. The 1st respondent-Kerala Table Tennis Association filed a counter affidavit. The 1st respondent stated that the Kerala Table Tennis Association is recognised by the Sports Council under the provisions of the Kerala Sports Act, 2000. However, the 2nd respondent-Sports Council issued Ext.R1(a) proceedings dated 16.12.2019 cancelling the recognition granted to the 1st respondent-Kerala Table Tennis Association with effect from 25.11.2019. Those proceedings were later withdrawn on 03.03.2020 as per Ext.R1(b). The 1st respondent continues to be the only recognised association in the field of Table Tennis. The petitioners are entitled to the certificates claimed. However, the 2nd respondent-Kerala State Sports Council has refused

to countersign the certificates. A dispute regarding disaffiliation of the 1st respondent by the National Federation is subject matter of Review Petition in AR No.18/2019.

4. The 2nd respondent-Sports Council also filed a counter affidavit. According to the 2nd respondent, the 1st respondent-Association has lost its status of affiliation with the Table Tennis Federation of India with effect from 29.09.2019. Therefore, the Championship organised by the 1st respondent from 5th to 8th October, 2019 cannot be recognised as valid. Since the 1st respondent has lost its status of affiliation with the National Federation, the 2nd respondent cannot countersign the certificates.

5. Heard.

6. From the pleadings and arguments, it is evident that the Table Tennis Federation of India disaffiliated the 1st respondent-Association on 29.09.2019. The Championship in question was decided and organised prior to 29.09.2019 and accordingly, it was conducted from 05.10.2019 to 08.10.2019 immediately after disaffiliation. Students and

sportsmen have participated in the Championship. It is also stated that the President of the Ernakulam District Sports Council distributed the prizes as the Chief Guest.

7. A number of litigations are said to be pending even now on the status of the 1st respondent-Association and on the cancellation of recognition effected by the Table Tennis Federation of India. The learned counsel for the 1st respondent specifically pointed out Review Petition in AR No.18/2019 pending in this regard.

8. After considering all the above aspects, this Court is of the opinion that the dispute between the concerned stakeholders on the status of the 1st respondent shall not be permitted to impact the eligibility of the petitioners to get certificates. This is especially because the event was planned prior to the disaffiliation by the National Body on 29.09.2019 and was conducted immediately thereafter as scheduled from 05.10.2019 to 08.10.2019. The competence or eligibility of the petitioners to receive certificates, is not in dispute. The dispute as regards the status of the 1st

respondent has not attained finality. It is also not known when those disputes are likely to be resolved. In the meanwhile, if the petitioners are denied certificates of participation in the event, that may cause irreparable loss to the petitioners.

In the circumstances, the writ petition is disposed of directing the 2nd respondent to countersign the certificates of merits and participation in respect of the petitioners without further delay. On such countersigning, respondents 1 and 2 shall ensure that the certificates are promptly given to the petitioners. It is made clear that the orders in this writ petition are confined only to the petitioners herein and their participation in the 49th Inter District and 68th Kerala State Table Tennis Championship, 2019. This judgment shall not in any way impact the pending dispute between respondents 1 and 2 and the Table Tennis Federation of India.

Sd/-
N. NAGARESH, JUDGE

APPENDIX

PETITIONERS' EXHIBITS:

EXHIBIT P1 A TRUE COPY OF THE LETTER DATED
02.03.2019 ISSUED BY THE 2ND
RESPONDENT UNDER RIGHT TO INFORMATION
ACT, 2005.

EXHIBIT P2 A TRUE COPY OF THE RANK LIST DATED
22.02.2020 ISSUED BY THE 1ST
RESPONDENT.

RESPONDENTS' EXHIBITS:

EXHIBIT R1 A A TRUE COPY OF THE PROCEEDING
NO.K.S.S.C/C1/6257/2019 DATED 16-12-
2019 OF THE SECRETARY OF RESPONDENT
NO.1

EXHIBIT R1 B A TRUE COPY OF THE PROCEEDINGS
NO.KSSC/C1/6257/2019 DATED 03-03-2020
OF THE SECRETARY OF RESPONDENT NO.1

EXHIBIT R1 C A TRUE COPY OF THE MINUTES OF THE
MEETING OF THE STANDING COMMITTEE OF
RESPONDENT NO.1 HELD ON 26-09-2019.