

C.Dellus Vs. Sports Development Authority of Tamilnadu

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Court : Chennai

Decided On : Jul-10-2013

Judge : D.Hariparanthaman

Appellant : C.Dellus

Respondent : Sports Development Authority of Tamilnadu

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS DATED :

10. 07.2013 CORAM: THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN Writ Petition No.18640 of 2013 & M.P.No.1 of 2013 C.Dellus .. Petitioner Vs.

1. The Member Secretary Sports Development Authority of Tamilnadu Chennai 84
2. The Secretary to Government of Tamilnadu (Education Department) Fort St.George, Chennai 9 .. Respondents
Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus to direct the respondents to recruit the petitioner as Coach to the Sports Institution in Tamil Nadu in view of the petitioner's over qualification. For Petitioner : Mr.M.Liagat ali For Respondents : Mr.I.Sathesh for R1 Mr.V.Subbiah, Spl.GP for R2

ORDER

The petitioner earlier filed W.P.No.4194 of 2012 alleging that as per the service rules for employment of Coaches in various sports activities, in Sports Development Authority of Tamil Nadu, the P.G.Diploma in Sports Coaching awarded by the Tamil Nadu Physical Education and Sports University is not recognised and the persons who are in possession of Diploma in Coaching from National Institution of Sports, Sports Authority of India, alone are eligible for consideration.

2. This Court expressed its view that the Diploma awarded by the Sports University in Tamil Nadu cannot be ignored.

3. In the circumstances, the Sports Development Authority of Tamil Nadu issued a letter No.2502/AO-1/2012 dated 17.1.2013 that the authority will consider in future, while recruiting the candidates who have obtained P.G.Diploma in Sports Coaching from the Tamil Nadu Physical Education and Sports University.

4. In view of the letter dated 17.1.2013 and also the statement made by the learned Additional Advocate General that in future, for the recruitment by the Sports Development Authority, the PG. Diploma in Sports Coaching possessed from the Tamil Nadu Physical Education and Sports University along with two time participation in inter-University (Zonal) competitions/Senior National Championship/National Games/Inter Services/Inter Railways, All India Police Games/Junior International Competitions (10 months course) will be considered as also an eligible qualification for recruitment of coaches. The said Writ Petition was disposed of recording the aforesaid letter and the statement made by the learned Additional Advocate General.

5. Thereafter, the petitioner has made a representation dated 26.2.2013 requesting to conduct interview at once and appoint him expeditiously for the post of Coach. Thereafter, the petitioner has filed this Writ Petition seeking for a direction to recruit the petitioner as Coach to the Sports Institution in Tamil Nadu since the petitioner is in possession of the requisite qualification.

6. Heard the learned counsel for the petitioner.

7. The learned counsel for the petitioner has submitted that the respondents have to be directed to recruit the petitioner as Coach in view of the earlier order dated 30.1.2013 of mine in W.P.No.4194 of 2012.

8. The entire submission of the learned counsel for the petitioner is based on my order. I am not in agreement with the submission of the learned counsel. Earlier, the qualification of P.G.Diploma in Sports Coaching that was obtained by the petitioner in Tamil Nadu Physical Education and Sports University was not recognised by the Sports Development Authority of Tamil Nadu and the matter was brought to the notice of the Government. The Government set right by amending the Rules as stated in their letter dated 17.1.2013 and a statement was made by the learned Additional Advocate General that in future recruitment, the P.G.Diploma in Sports Coaching awarded by the Tamil Nadu Physical Education and Sports University would also be an eligible qualification.

9. When this Court put a question to the learned counsel for the petitioner as to whether any notification is issued calling for application for the post of Coach and the petitioner was not considered when he made an application pursuant to such notification, the learned counsel for the petitioner has submitted that no such notification was issued and no recruitment took place thereafter.

10. It is a different matter if recruitment took place subsequent to the order dated 30.1.2013 in W.P.No.4194 of 2012 for coaches and the petitioner was not considered contrary to the aforesaid order dated 30.1.2013 in W.P.No.4194 of 2012, then this Court can enquire into the matter. In this case, no recruitment took place even according to the petitioner.

11. In the circumstances, he cannot simply make a representation and thereafter seeks for a direction to recruit him for the post of Coach. When the matter is heard, the learned counsel for the petitioner cannot simply ask this Court to issue direction to consider the representation of the petitioner and pass orders thereon when there is no failure on the part of the respondents to discharge any statutory duty imposed on them.

12. In the circumstances, it is useful to refer to a Division Bench judgment of this Court in M.Solaikannan vs. The Cabinet Secretary to the Union Cabinet, Union Secretariat, New Delhi-1 reported in 2013 (1) CWC569 In paragraph No.22, this Court held as follows: ".22. In the considered opinion of this Court, unless the petitioner establishes that he is having a specific legal right and the respondents are also under the statutory obligation to carry out their duties and in the event of their failure to do so, Mandamus may be issued to compel to do something."

13. Hence, the Writ Petition fails and the same is dismissed. No costs. The connected Miscellaneous Petition is closed. 10.07.2013 Index:Yes Internet:Yes ajr To 1. The Member Secretary Sports Development Authority of Tamilnadu Chennai 84 2. The Secretary to Government of Tamilnadu (Education Department) Fort St.George, Chennai 9 D.HARIPARANTHAMAN, J.

ajr W.P.No.18640 of 2013 10.07.2013

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