



2023/KER/57548

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

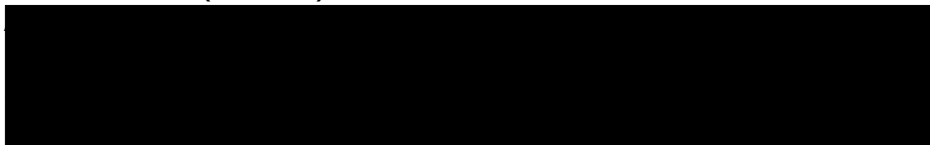
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

WEDNESDAY, THE 20TH DAY OF SEPTEMBER 2023 / 29TH BHADRA,
1945

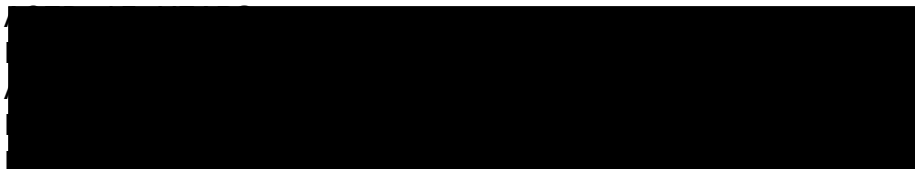
WP(C) NO. 30304 OF 2023

PETITIONERS:

1 SAYANTH.S (MINOR)



2 ANIRUDHAN



BY ADVS.
T.K.SANDEEP
VEENA HARIKUMAR
SWETHA R.

RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY SECRETARY, DEPARTMENT OF GENERAL
EDUCATION, SECRETARIAT THIRUVANANTHAPURAM,
PIN - 695001

2 THE DIRECTOR
DIRECTORATE OF PUBLIC INSTRUCTIONS, JAGATHI,
THIRUVANANTHAPURAM, PIN - 695001

3 KERALA STATE SPORTS COUNCIL
REPRESENTED BY ITS SECRETARY, STATUE,
THIRUVANANTHAPURAM, PIN - 695001

4 SCHOOL GAMES FEDERATION OF INDIA
REPRESENTED BY ITS SECRETARY 18, PARK RD, RAJ
BHAVAN COLONY, THE MALL AVENUE, LUCKNOW, UTTAR
PRADESH, PIN - 226001



2023/KER/57548

WPC 30304/23

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SRI. SUNIL K.KURIAKOSE, GP, SMT. LATHA ANAND, SC
THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20.09.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



JUDGMENT

The specific grievance of the petitioners is that, even though Under-17 Roller Skating Competition is held at the All India Level, they are unable to participate because, State of Kerala does not conduct any competition in such category; and hence, they being unable to be selected, in spite of the fact that they are imminently eligible.

2. The learned Government Pleader - Sri.Sunil Kumar Kuriakose, however, submitted that conduct of a competition as afore, is a matter of policy to be taken at the appropriate level by Government of Kerala; and thus, pleaded that this Court may not make any affirmative declarations in favour of the petitioners, but leave it to the competent Authority to take an apposite decision as per law.

3. Smt.Latha Anand - learned counsel for the 3rd respondent, submitted that they have no independent role in this matter and that they will abide by the decision to be taken by the Government.

4. There is no doubt that the submissions of Sri.Sunil Kumar Kuriakose is on *terra firma*.

5. The question whether a competition in a particular



WPC 30304/23

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category should be conducted, and in what manner, are to be decided by competent Authority of Government of Kerala at the first instance and it cannot be done by this Court, while acting under Article 226 of the Constitution of India, particularly, because it requires evaluation of necessary factual and documentary inputs.

6. I am, therefore, of the firm view that competent Authority of the 1st respondent must take a decision on the request of the petitioners for conduct of trial and selection competitions for Under-17 Roller Skating, within a period of one month from the date of receipt of a copy of this judgment.

7. I am fixing the time short as afore because, the petitioners say that National Level Competitions are to commence in January 2023 and that they will find it very difficult to register, if they are not selected by the end of November. This shall be specifically kept in mind, while the afore exercise is completed.

This writ petition is thus ordered.

Sd/-

DEVAN RAMACHANDRAN, JUDGE

ACR



WPC 30304/23

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APPENDIX OF WP(C) 30304/2023

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE CERTIFICATE OF MERIT NO 5940/3554 ISSUED BY ROLLER SKATING FEDERATION OF INDIA TO THE 1ST PETITIONER
- Exhibit P2 TRUE COPY OF THE CERTIFICATE OF MERIT NO 3608/3237 ISSUED BY ROLLER SKATING FEDERATION OF INDIA ISSUED TO THE 1ST PETITIONER
- Exhibit P3 TRUE COPY OF THE INVITATION ISSUED BY WORLD SKATE DATED 07.10.2022 TO ROLLER SKATING FEDERATION
- Exhibit P4 TRUE COPY OF CERTIFICATE OF MERIT SECURING FIRST POSITION ISSUED BY KERALA ROLLER SKATING ASSOCIATION IN 2016 TO THE 2ND PETITIONER DATED 14.11.2016
- Exhibit P5 TRUE COPY OF CERTIFICATE OF MERIT SECURING FIRST POSITION ISSUED BY KERALA ROLLER SKATING ASSOCIATION IN 2018 TO THE 2ND PETITIONER DATED 13.11.2018
- Exhibit P6 TRUE COPY OF CERTIFICATE OF MERIT SECURING FIRST POSITION ISSUED BY KERALA ROLLER SKATING ASSOCIATION IN 2019 DATED 03.11.2019 TO THE 2ND PETITIONER
- Exhibit P7 TRUE COPY OF CERTIFICATE OF MERIT SECURING FIRST POSITION ISSUED BY KERALA ROLLER SKATING ASSOCIATION IN 2021 TO THE 2ND PETITIONER DATED 08.03.2021
- Exhibit P8 TRUE COPY OF CERTIFICATE OF MERIT SECURING FIRST POSITION ISSUED BY KERALA ROLLER SKATING ASSOCIATION IN 2021 TO THE 2ND PETITIONER DATED 14.11.2021
- Exhibit P9 TRUE COPY OF CERTIFICATE OF MERIT SECURING FIRST POSITION ISSUED BY DEPARTMENT OF GENERAL EDUCATION 2023 TO THE 2ND PETITIONER DATED 12.04.2023
- Exhibit P10 TRUE COPY OF THE NOTICE ISSUED BY S.G.F.I DATED 09.08.2023



2023/KER/57548

WPC 30304/23

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Exhibit P11

TRUE COPY OF THE CIRCULAR DATED
08.09.2023 ISSUED BY DEPARTMENT OF
GENERAL EDUCATION, GOVT OF KERALA

Exhibit P12

TRUE COPY OF THE REPRESENTATION MADE
BY THE PETITIONER'S FATHER TO THE
RESPONDENTS DATED 10.09.2023