

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Eleventh day of November Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN
and
The Hon`ble Mr.Justice B.PUGALENDHI

WP(MD) No.16078 of 2020

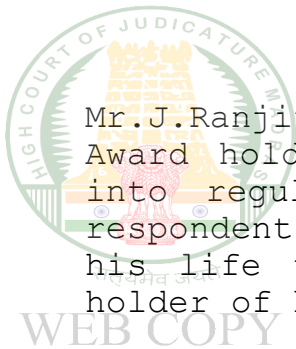
G.JOTHIMURUGAN

... PETITIONER

Vs

- 1 THE SECRETARY TO THE UNION OF INDIA,
MINISTRY OF YOUTH AFFAIRS AND SPORTS,
SHASTRI BHAWAN,
DR.RAJENDRA PRASAD ROAD, NEW DELHI-001.
 - 2 THE SECRETARY TO THE UNION OF INDIA,
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT,
SHASTRI BHAWAN,
DR.RAJENDRA PRASAD ROAD, NEW DELHI-001.
 - 3 THE PRINCIPAL SECRETARY TO GOVERNMENT OF TAMIL NADU,
DEPARTMENT OF YOUTH AFFAIRS AND SPORTS DEVELOPMENT,
SECRETARIAT, CHENNAI-009.
 - 4 THE PRINCIPAL SECRETARY TO GOVERNMENT OF TAMIL NADU,
DEPARTMENT OF DIFFERENTLY ABLED,
SECRETARIAT, CHENNAI-009.
 - 5 THE MEMBER SECRETARY,
SPORTS DEVELOPMENT AUTHORITY OF TAMIL NADU,
NO.116-A PERIYAR EVR HIGH ROAD,
NEHRU PARK, CHENNAI-84.
 - 6 THE COMMISSIONER FOR THE WELFARE OF DIFFERENTLY ABLED,
NO.5, KAMARAJAR SALAI,
LADY WELLINGTON COLLEGE CAMPUS,
CHENNAI-005.
- ... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a writ order or direction in the nature of writ of Mandamus directing the respondents 3 to 6 to honour the valuable eminent services and life time achievement in sports and games of



Mr.J.Ranjithkumar Coach (Athletic) Physically Challenged Dhyan Chand Award holder and to regularize his service as SDAT Coach Madurai into regular time scale of pay and consequently directing the respondents 3 to 6 to encourage him by way of giving cash award for his life time achievement in sports and games and coach and the holder of highest award of Dhyan Chand.

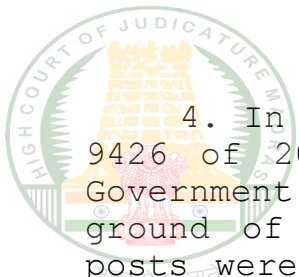
ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.SAMIDURAI, Advocate for the petitioner and of MR.ALAGURAM JOTHI, Central Government Standing Counsel for R1 & R2 and MR.M.MUTHUGEETHAIYAN, Special Government Pleader for R3 to R6, the court made the following order:-

(Order of the Court was made by N.KIRUBAKARAN, J.)

It is significant to note that in spite of achieving international awards and receiving Dhyan Chand Award, 2020, for Life Time Achievement from the Government of India, Mr.J.Ranjithkumar's service has not been regularised on the ground that he does not have the educational and other required qualifications.

2.Mr.Ranjithkumar is a physically challenged sports person, who secured 22 International Medals and 38 National Level Medals and he is the only title holder of Dhyan Chand Award, 2020, in the disability sport category and he is an 86% disabled sports person. He was employed as Coach (Athletics) (Physically challenged) by the Sports Development Authority of Tamil Nadu from 2002 onwards. His request for regularisation was rejected on the ground that he does not have the educational qualification and other required qualifications for the post of regular Coach. By communication, dated 31.07.2020, it was informed that his case was recommended to the Executive Committee of Sports Development Authority of Tamil Nadu and the Executive Committee, in the meeting held on 04.05.2017, in which it was resolved that the issue may be examined in detail by PS/MS, SDAT as per the latest Government Orders and the proposal may be sent to the Government. It is further stated that by letters, dated 10.01.2018 and 23.01.2020, the proposals have been sent to the Government for regularisation of his service and it seems that no decision has been taken so far.

3.Mr.K.Samidurai, learned counsel for the petitioner has brought to the notice of this Court that Paralympic Committee of India has appointed Mr.J.Ranjitkumar as Para Athletics Coach to lead the Indian Contingent as Team Manager cum Coach for the Fourth International Athletics Meeting held at Morocco in 2019.



4. In similar matters in W.P.(MD) Nos.14594 of 2014 and 9419 to 9426 of 2019, this Court, while deprecating the attitude of the Government in not providing employment to the achievers on the ground of educational qualification, has pointed out that higher posts were given by other States to the achievers, irrespective of their qualifications and the relevant portion of the order dated 29.10.2020 is extracted below:

"i) Mrs.Mary Kom, Boxer, who studied upto 8th Standard, has been appointed as Deputy Superintendent of Police by the State Government, Manipur. Now, she has been nominated as a Member of the Rajya Sabha [Upper House of the Indian Parliament] by His Excellency the Hon'ble President of India on 25.04.2016.

ii) Mr.Harbhajan Singh, Cricketer, who studied upto 12th Standard, was offered with the post of Deputy Superintendent of Police by the State Government, Punjab.

iii) Mr.Umesh Yadav, Cricketer, who studied upto High School, has been appointed as Assistant Manager in the Reserve Bank of India.

5. When the State Governments of Manipur and Punjab and even the Central Government thought it fit to recognize the persons, who achieved in their respective field [sports field] and appointed them in higher posts, there should not be any prohibition to extend the same treatment to the petitioner by the State Government of Tamil Nadu, especially he achieved in spite of his disability. We hope and trust that the State Government would encourage the petitioner and similarly placed other persons with the same spirit as that of other sports persons."

5.For the achievers, the educational qualification is not a bar to get the higher posts, which is being followed by the other States. When the other States are giving suitable employment to the achievers irrespective of their qualifications, there should not be any prohibition for the State Government to give such employment to the said J.Ranjithkumar also. In the 18th Common Wealth Games held in 2018, he also got Bronze medal.

6.In spite of disability, he has achieved. However, it is surprising and shocking to note that he has been appointed as a Coach only on a contract basis and has not been regularised so far. Therefore, a decision either of his regularisation and providing any higher post to Mr.J.Ranjithkumar, has to be taken and it should be reported before this Court in the next hearing.

7.Mr.Alaguram Jothi, learned Central Government Standing Counsel takes notice for respondents 1 and 2 and Mr.M.Muthugeethaiyan, learned Special Government Pleader for

<https://hcservices.mca.gov.in/hcservices/> 6.



8.Call the matter on **01.12.2020**.

sd/-
11/11/2020

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/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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ORDER
IN
WP(MD) No.16078 of 2020
Date :11/11/2020

sj

JM/PN/SAR III/24.11.2020/4P/7C

<https://hcservices.ecourts.gov.in/hcservices/>