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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

FRIDAY, THE 3RD DAY OF NOVEMBER 2023 / 12TH KARTHIKA, 1945

WP(C) NO. 35952 OF 2023

PETITIONER:

PRAJILA M., AGED 21 YEARS, D/O K. PRAKASHAN, KORUNGEL HOUSE, PADIYOTTUCHAL P.O, PAYYANNUR (VIA), KANNUR -, PIN - 670353

MAHESH V RAMAKRISHNAN
PRAVEEN K.S.

RESPONDENTS:

1 STATE OF KERALA, REP. BY ITS CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT, PIN - 695001

2 SECRETARY TO GOVERNMENT
DEPARTMENT OF SPORTS AND YOUTH AFFAIRS, GOVERNMENT OF KERALA, ROOM NO.372, 1ST FLOOR, MAIN BLOCK SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

3 DIRECTOR, DIRECTORATE OF SOCIAL JUSTICE, VIKASBHAVAN, THIRUVANANTHAPURAM- 695001, PIN - 695001

4 DIRECTOR, DIRECTORATE OF SPORTS AND YOUTH AFFAIRS, JIMMY GEORGE INDOOR STADIUM, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 690010

5 DEPUTY DIRECTOR, REGIONAL OFFICE KOZHIKODE, REGIONAL OFFICE OF DIRECTORATE OF SPORTS & YOUTH AFFAIRS, VKK MENON INDOOR STADIUM, 3RD FLOOR, RAJAJIROAD, KOZHIKODE, PIN - 673004

6 KERALA SPORTS COUNCIL, REP.BY ITS SECRETARY STATUE JN, THIRUVANANATHAPURAM, PIN - 690010

7 KANNUR DISTRICT SPORTS COUNCIL, REP.BY ITS SECRETARY

CIVIL STATION, KANNUR, PIN – 670002

8 KERALA HANDBALL ASSOCIATION (ADHOC), REG NO.92/89, REP.BY ITS SECRETARY, GHSS VAYAKKARA, PADIYOTTUMCHAL, KANNUR, PIN - 670307

9 HAND BALL ASSOCIATION, , KANNUR, REP.BY ITS SECRETARY, GHSS VAYAKKARA, PADIYOTTUMCHAL, KANNUR, PIN - 670511

SRI SUNIL K KURIAKOSE-GP;
SMT LATHA ANAND-SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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JUDGMENT

The petitioner is a young professional handball player and says that she was unfortunately injured during a match in the 44th Junior Girls National Handball Championship. She says that she belongs to a disadvantaged section of the Society, with her father being a taxi driver by profession and the entire family managing on his meagre income; and therefore, that she is incapacitated from undergoing necessary medical procedures, including reconstructive surgeries, as has been recommended through Ext.P20 – Medical Report.

2. The petitioner says that, with all the fiscal constraints the family is facing, her father managed to give her the best medical assistance possible and this is clear from Exts.P12 to P16 certificates, to the effect that she has undergone multiple reconstruction surgeries on her *anterior cruciate ligament*. She says that, however, it is now impossible for the father to continue to finance her treatment; and therefore, she has preferred Ext.P17 representation before the 6th respondent – Kerala Sports Council, seeking their assistance to complete her medical requirements, failing which, her future as a handball player

would be imperilled. She, therefore, prays that competent Authority of the 6th respondent - Kerala Sports Council, be directed to consider Ext.P17 and take an apposite decision thereon without any avoidable delay.

3. Smt.Latha Anand – learned Standing Counsel for the 6th respondent – Kerala Sports Council, in response, submitted that, though her client has no objection in considering Ext.P17, she expressed reservation whether it would be of any help to the petitioner because, normally, the Council gives medical assistance only to the players who are enrolled in the Academy run by them. She submitted that it is not clear from the pleadings whether petitioner is one among them; but added that, this can be looked into while Ext.P17 is considered. She, therefore, prayed that no affirmative declarations be made by this Court in favour of the petitioner in this judgment.

4. The learned Government Pleader – Sri.Sunil Kumar Kuriakose, submitted that Government is committed to sports persons in Kerala; and that, therefore, if the petitioner approaches a competent hospital under their control for this purpose, every assistance will be made available to her, to ensure that she is able to come back to her game with full

vigour. He added that there is nothing on record to indicate that petitioner has approached the Government in any manner for this purpose; and therefore, left it to this Court to issue appropriate orders.

5. However, in reply to the afore submissions of the learned Government Pleader, Sri.Praveen K.S. - learned counsel for the petitioner, asserted that though his client had made a representation before the Hon'ble Minister for Sports, it appears to have been rejected and that his client has recently received a communication to such effect.

6. As this Court has been emphasizing in several judgments, a vibrant Society cannot be comprised of merely persons in academic and service pursuits. It requires athletes and sportsmen, inculcated with a robust sporting culture; and this is possible — particularly to those who belong to the disadvantaged society — only if the Government and the community at large give them full support.

7. It is well known and thus deserving of being judicially noticed by this Court that, participation in most of the disciplines is extremely expensive, which many of the brilliant girls and boys may not be able to do, unless they are assured the support of the

community; and it is imperative at these times, when the players from our State are fairing better than ever before, in National competitions and even in International fetes. Indubitably, therefore, the support of the Government and the Sports Council for the petitioner in this case is inviolable and totally necessary.

8. In the afore circumstances, this writ petition is disposed of with the following directions:

(a) The 6th respondent - Sports Council, will immediately take up Ext.P17 representation of the petitioner and take a decision on it, after affording her an opportunity of being heard; thus culminating in an appropriate order and necessary action thereon, within a period of two weeks from the date of receipt of a copy of this judgment.

(b) Depending upon the decision to be taken up by the Sports Council as afore; and should it either reject her request, or if the petitioner require any further assistance, she would be at full liberty to approach the second respondent - Secretary of the Government, with an appropriate application for assistance or medical support; which will, thereupon, be considered by the said Authority and all necessary arrangements made under the aegis of competent hospitals - whether it be private, public or

Government - for her to undergo medical procedures and to spring back to her sport with full strength and exuberance. A decision in this regard shall be taken by the said Authority forthwith and not later than two weeks after the representation is received from the petitioner.

(c) I also direct the second respondent - Secretary of the Government, to ensure that the petitioner is given all possible continuous support until she recovers from her predicament, so that the promise of a brilliant handball player is not lost to our State, solely because her family is not in a position to support her fiscally.

Sd/- DEVAN RAMACHANDRAN
JUDGE

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APPENDIX OF WP(C) 35952/2023

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE CERTIFICATE OF MERIT DATED 09-11-2016 ISSUED BY THE DIRECTORATE OF PUBLIC INSTRUCTION KERALA
Exhibit P2	TRUE COPY OF THE CERTIFICATE OFPARTICIPATION DATED NIL ISSUED BY THE UTTAR PRADESH HANDBALL ASSOCIATION
Exhibit P3	TRUE COPY OF THE CERTIFICATE OF MERIT DATED 04-11-2017 ISSUED BY THE DIRECTORATE OF PUBLIC INSTRUCTION KERALA
Exhibit P4	TRUE COPY OF THE CERTIFICATE OF PARTICIPATION DATED 10-02-2018 ISSUED BY THE SCHOOL GAME FEDERATION OF INDIA
Exhibit P5	TRUE COPY OF THE CERTIFICATE OF MERIT DATED 10-10-2018 ISSUED BY THE KANNUR REVENUE SCHOOL GAMES ASSOCIATION
Exhibit P6	TRUE COPY OF THE CERTIFICATE OF MERIT DATED 16-10-2018 ISSUED BY THE DEPARTMENT OF GENERAL EDUCATION
Exhibit P7	TRUE COPY OF THE CERTIFICATE OF PARTICIPATION DATED 02-01-2019 ISSUED BY THE SCHOOL GAME FEDERATION OF INDIA
Exhibit P8	TRUE COPY OF THE CERTIFICATE OF PARTICIPATION DATED NIL ISSUED BY THE UTTAR PRADESH HANDBALL FEDERATION
Exhibit P9	TRUE COPY OF THE CERTIFICATE OF PARTICIPATION DATED NIL ISSUED BY THE HANDBALL FEDERATION OF INDIA
Exhibit P10	TRUE COPY OF THE CERTIFICATE OF PARTICIPATION DATED NIL ISSUED BY THE UTTAR PRADESH HANDBALL FEDERATION
Exhibit P11	TRUE COPY OF THE REPORT DATED 16-09-2021

	ISSUED BY THE MANAGER OF KERALA HANDBALL TEAM FOR 44TH JUNIOR GIRLS NATIONAL HANDBALL CHAMPIONSHIP TO THE 8TH RESPONDENT
Exhibit P12	TRUE COPY OF THE SCAN REPORT DATED 16-09-2021 ISSUED BY THE DEPARTMENT OF RADIOLOGY AND IMAGING, GOVT. MEDICAL COLLEGE KANNUR
Exhibit P13	TRUE COPY OF THE ADVANCE RECEIPT DATED 01-10-2021 ISSUED BY THE ASTER MIMS HOSPITAL, KANNUR BEFORE CONDUCTING THE MCL SURGERY
Exhibit P14	TRUE COPY OF THE ADVANCE RECEIPT DATED 29-01-2022 ISSUED BY THE ASTER MIMS HOSPITAL, KANNUR BEFORE CONDUCTING THE ACL SURGERY
Exhibit P15	TRUE COPY OF THE DISCHARGE SUMMARY DATED 01-10-2021 SHOWING THE DETAILS OF MCL RECONSTRUCTION SURGERY ISSUED BY THE ASTER MIMS HOSPITAL, KANNUR
Exhibit P16	TRUE COPY OF THE DISCHARGE SUMMARY DATED 29-01-2022 SHOWING THE DETAILS OF ACL RECONSTRUCTION SURGERY ISSUED BY THE ASTER MIMS HOSPITAL, KANNUR
Exhibit P17	TRUE COPY OF THE REPRESENTATION DATED 15-03-2022 SUBMITTED BY THE PETITIONER'S FATHER BEFORE THE 6TH RESPONDENT
Exhibit P18	TRUE COPY OF THE REQUEST DATED 26-09-2021 SUBMITTED BY THE SECRETARY, KERALA HANDBALL FEDERATION BEFORE THE 6TH RESPONDENT
Exhibit P19	TRUE COPY OF THE LETTER DATED 29-07-2022 ISSUED BY THE SECRETARY, DISTRICT SPORTS COUNCIL, THRISSUR SEEKING CLARIFICATION IN RESPECT OF THE MEMBERSHIP STATUS OF THE PETITIONER FROM THE 8TH RESPONDENT
Exhibit P20	TRUE COPY OF THE MEDICAL CERTIFICATE DATED 06-06-2023 ISSUED BY THE SENIOR CONSULTANT ORTHO, DR.SREEHARI C.K, DEPT.OF ORTHOPEDIACS, ASTER MIMS HOSPITAL, KANNUR