

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

Reserved on: 30.06.2025.
Pronounced on: 11.07.2025

LPA No. 230/2023

1. ANIFA BASHIR.

D/O: BASHIR AHMAD RATHER

R/O: LALIPORA MALPORA, ANANTNAG

2. FAIQA MASOOD.

D/O: MASOOD AHMAD NAZMI

THROUGH HER FATHER MASOOD AHMAD NAZMI

R/O: ZIARAT ROAD SHAH MOHALLA KULGAM

3. SAIQA HAMID

D/O: ABDUL HAMID SHAN

R/O: PATI AKHRAN KULGAM

4. SHAN MOHAMMAD SUHAIB

S/O: ABDUL HAMID SHAN

R/O: PATI AKHRAN KULGAM

5. FAIZAN NISAR

S/O: NISAR AHMAD WANI

R/O: ZUNGAL PORA KULGAM

6. LIQ-UN-NISA

D/O: SAJAD AHMAD BHAT

R/O: GULBAGH TRAL-I-PAYEEN, PULWAMA

7. UMAR FAROOQ

S/O: FAROOQ AHMAD

R/O: TOLINOWPORA KULGAM

8. SEERAT AZAD

D/O: AZAD AHMAD THROUGH HER FATHER NAMELY

AZAD AHMAD DAR

R/O: MUNIWARA ANANTNAG

9. SANIA YAQOOB

D/O: MOHAMMAD YAQOOB BHAT

R/O: NEPORA ANANTNAG

10. HARPREET KOUR

D/O: KULWANT SING

R/O: GAMRAJ TRAL PULWAMA

11. PEER SAQIB MUSHTAQ

S/O: PEER MUSHTAQ AHMAD SHAH

THROUGH HIS FATHER NAMELY MUSHTAQ AHMAD SHAH

R/O: AKHRAN KULGAM

...APPELLANT(S)

Through: - Mr. Saqib Amin Parray, Advocate

Vs.

- 1. U.T of J&K THROUGH COMMISSIONER/SECRETARY TO GOVT YOUTH SERVICES AND SPORTS, CIVIL SECRETARIAT, SRINAGAR.**
- 2. MINSITRY OF YOUTH AFFAIRS AND SPORTS, DEPARTMENT OF SPORTS, GOVERNMENT OF INDIA.**
- 3. JAMMU AND KASHMIR SPORTS COUNCIL THROUGH SECRETARY J&K SPORTS COUNCIL SRINAGAR KASHMIR.**
- 4. J&K BOARD OF PROFESSIONAL ENTRANCE EXAMINATION, SRINAGAR, THROUGH ITS CHAIRMAN.**

...RESPONDENT(S)

Through:- Mr. T.M Shamsi, DSGI with
Mr. Faizan Ahmad Ganie, CGC for R-1&2.
Mr. Zahid Qais Noor, GA for R-3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

JUDGMENT

Per: Sanjeev Kumar-J:

1. This intra-court appeal by the appellants is directed against the order and judgment dated 30th October, 2023, passed by the learned Single Judge of this Court [“the writ Court”] in WP(C) No. 2771/2023 titled **“Anifa Bashir and Ors. Vs. Union Territory of J&K and Ors.”**, whereby the writ Court has dismissed the petition filed by the appellants seeking a direction to the respondents to grant them the

benefit of the sports category in the matter of admission to NEET-UG Courses, 2023, on the basis of certificates issued by the Sqay Federation of India.

2. Before we advert to the grounds of challenge urged by Mr. Saqib Amin Parray, learned counsel appearing for the appellants, we deem it appropriate to notice a few relevant facts.

3. The appellants are claimably in possession of sports certificates earned by them in the events at the State and National levels conducted under the auspices of the Sqay Federation of India. As is the case projected in the writ petition, the certificates issued by the Jammu & Kashmir Sqay Association and the Sqay Association of Ladakh were being entertained and considered for admission of candidates in the sports category for NEET-UG Courses till 2022. The Sqay Federation of India, to which the Jammu & Kashmir Sqay Association and the Sqay Association of Ladakh were affiliated, came to be de-recognized by the Ministry of Youth Affairs and Sports, Government of India. The certificates which the appellants claim to have earned during the period the Sqay Federation of India had valid recognition from the Ministry of Youth Affairs and Sports, Government of India, were valid in law and, therefore, the respondents could not have denied them the benefit of

sports category for the purpose of admission to NEET-UG Courses.

4. On this plea, the appellants approached the writ Court by way of WP(C) No. 2771/2023, which was disposed of by the writ Court on the motion hearing day, by holding that the sports certificates obtained by the appellants from the Jammu & Kashmir Sqay Association and the Sqay Association of Ladakh, which were affiliated to the Sqay Federation of India were invalid and *non-est* in the eye of law. The writ petition was, accordingly, dismissed by the writ Court in terms of the judgment impugned herein.

5. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the view taken by the writ Court is correct and unexceptionable. The Sqay Federation of India came to be recognized by the Government of India, Ministry of Youth Affairs and Sports, vide recognition letter dated 25th September, 2015. As has been correctly observed by the writ Court, the recognition was conditional, providing clearly that in case the recognition was found to have been obtained by submitting false information or by misrepresentation of facts, the same may be withdrawn. It is not in dispute and is rather substantiated by the documents on record that the Sqay Federation of India had obtained recognition from the Ministry of Youth Affairs and Sports, Government of India,

on the basis of a fake certificate of registration as a society. The Government of India, having found that the Sqay Federation of India was not registered as a society anywhere under the Societies Registration Act and that the certificate produced by it was forged, withdrew the recognition which was granted to it on 25th September, 2015.

6. The plea of learned counsel for the appellants that withdrawal of recognition is prospective in nature and will not affect the validity of sports certificates issued when the Sqay Federation of India was duly recognized is a plea worthy of outright rejection. We are saying so for the reason that the withdrawal of recognition of the Sqay Federation of India which was obtained by it on the basis of forged documents is void ab initio. It is a case where it has to be presumed in law that the Sqay Federation of India was never recognized by the Ministry of Youth Affairs and Sports, Government of India, at any point of time. The recognition from the very inception was on the basis of misrepresentation and the forged documents presented by the Sqay Federation of India and, and, therefore, void ab initio.

7. In view of the aforesaid, the only question which requires determination in this appeal is whether the candidates who participated in the sports events conducted under the aegis of the Sqay Federation of India within and

outside the State and obtained sports certificates can be deprived of such certificates, more particularly, when they were never privy to any fraud or misrepresentation perpetrated by the Sqay Federation of India.

8. Equally untenable is reliance placed by Mr. Saqib Amin Parray, learned counsel appearing for the appellants on National Sports Development Code to contend that withdrawal of recognition of a sports body is always prospective and does not affect the sports activities conducted by it in the past when it had valid recognition. This may hold good in cases where recognition is withdrawn for reasons other than fraud. As is well settled, fraud renders recognition void ab initio and the beneficiaries of such fraud cannot claim any equity.

9. The argument made by Mr. Saqib Amin Parry, learned counsel appearing for the appellants, appears to be attractive at the first blush, but on close scrutiny, it is found without any substance. The fraud in the instant case is established. It is trite law that fraud vitiates every solemn act and everything which it touches. Fraud and justice can never dwell together. The beneficiaries of the fraud, or we may call them the victims of fraud, may have a claim for compensation against the perpetrator of the fraud but cannot be permitted to take benefit of the fraudulent acts of the perpetrator. Once it is found that the Sqay Federation of

India had obtained recognition by practicing fraud, the recognition ceases to be in operation from the date it was granted. That being the clear position, any sports events and activities conducted by it would be the sports activities by a sports organization without authority of law. The certificates of sport granted by such an unrecognized sports organization cannot be treated as valid for any purpose, more particularly, in relation to taking the benefits of the sports category in admission to NEET-UG Courses.

10. Otherwise also, in the instant case, the focus in the entire writ petition was with regard to the NEET-UG Courses 2023, which process is now over and that the writ petition otherwise has been rendered infructuous.

11. Faced with the aforesaid position, Mr. Saqib Amin Parray, learned counsel appearing for the appellants submitted that the judgment of the writ Court has declared the sports certificates in possession of the appellants as invalid and, therefore, the judgment would come in their way to assert their rights on the basis of these certificates in future selections/admissions under the sports category.

10. Be that as it may, we concur with the view taken by the writ Court that the sports certificates issued by the Sqay Federation of India which owed its existence to fraud cannot be taken to be valid certificates. The appellants may have a remedy against the Jammu & Kashmir Sqay Association,

Sqay Association of Ladakh, and Sqay Federation of India. However, the certificates of sports issued by these organizations to the appellants cannot be held valid and cannot inure to the benefit of the appellants.

12. For all these reasons, we find no merit in this appeal and the same is, accordingly, **dismissed**.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

Srinagar,
11.07.2025
"Mir Arif"

Whether the judgment is approved for reporting? Yes.

