

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 3080 OF 2015

Master Sagar Prakash Chhabria } a minor, through his father and } natural guardian Prakash } Sadhuram Chhabria of Mumbai, } Indian inhabitant, residing at 51, } Kshitij, 566 Hill Road, } Opp. St. Andrews Church, } Bandra (West), Mumbai - 400 050. }	}	Petitioner
versus		
2) The Board of Control for } Cricket in India, } through its Secretary, a Society } registered under the Societies } Registration Act, 1860, at Madras, } having its Headquarters at Cricket } Centre, 2nd floor, Wankhede } Stadium, 'D' Road, Churchgate, } Mumbai - 400 020. }	}	
2) The Mumbai Cricket Association } through its Secretary, having its } office/Headquarters at Cricket } Centre, 2nd floor, Wankhede } Stadium, 'D' Road, Churchgate, } Mumbai 400 020 }	}	Respondents

Mr. Prasad Dani - Senior Advocate with
Ms. Yasmin Bhansali and Mr. Yogesh
Gaikwad i/b. M/s. Yasmin Bhansali and
Co. for the Petitioner.

Mr. Adarsh Saxena i/b. Cyril Amarchand
Mangaldas and Co. for Respondent No. 1.

Mr. Vikas V. Warerkar i/b. Warerkar and
Warerkar for Respondent No. 2.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- NOVEMBER 18, 2015

ORAL JUDGMENT :- (Per S.C.Dharmadhikari, J.)

Rule. Respondents waive service.

2) Since affidavits have been placed on record and we have heard extensive arguments of both sides, by their consent, we made the Rule returnable forthwith.

3) This Writ Petition under Article 226 of the Constitution of India seeks firstly a Writ of certiorari or a Writ in the nature thereof or other appropriate Writ, order or direction under Article 226 of the Constitution of India calling for the TW-3 test report dated 1st October, 2015, copy of which is at Annexure 'A' to the Writ Petition and after examining the entire record, papers and proceedings so also scrutinising the said report as to its legality and validity, the same be quashed and set aside. This Court should declare that the Petitioner is qualified to play Under-16 Tournament known as Vijay Merchant Trophy, 2015-16. The further relief prayed is to issue a Writ of Mandamus or a Writ in the nature thereof or any other appropriate Writ, order or direction directing the Respondents to declare and accept the Petitioner's documentary evidence submitted and copies of which

are annexed as Annexures 'B' to 'I' and permit him to participate in the process of selection of Under-16 team of Respondent No. 2 in the ensuing Vijay Merchant Trophy, 2015-16.

4) The Petitioner is a minor and filing this Petition through his father and natural guardian Mr. Prakash Chhabria. The first Respondent is a Society registered under the Societies Registration Act, 1860 at Madras (Now Chennai). It is deemed to have been registered under the Tamil Nadu Societies Registration Act, 1975. It is the governing and regulating body for the game of Cricket in India. We are not concerned as much with its composition, as it is common ground that in matters of selection of players, holding of tournaments at national and international level the acts and deeds of the first Respondent are amenable to the Writ Jurisdiction of this Court under Article 226 of the Constitution of India. The second Respondent before us is the Mumbai Cricket Association, which governs and regulates the game of Cricket in the city of Mumbai, Mumbai Suburban and Thane District. It is a permanent member of Respondent No. 1.

5) The Petitioner has taken the game of Cricket as a profession. The minor has sacrificed his educational opportunities so as to fully involve himself in the game of Cricket. He claims that he was born on 12th January, 2000 at Breach

Candy Hospital, Mumbai. The Maharashtra Government Gazette Notification, copy of which is relied upon so also the records of the admission of the Petitioner's mother for delivery in Breach Candy Hospital are reflecting the Petitioner having been born on this date. Coupled with this, the birth certificate issued by the Municipal Corporation on 20th July, 2000 and the Petitioner's School Leaving Certificate, Passport and Adhar Card are being relied upon to evidence the date of birth as 12th January, 2000 and therefore, the Petitioner being below 16 years of age is fully qualified to play the tournament.

6) It is then urged that the second Respondent is in the process of selecting Cricket players below 16 years of age and from a team which will then participate in the Vijay Merchant Trophy, 2015-16 to be held in December, 2015. The second Respondent has, for the purpose of selection of Under-16 Cricket players, fixed 1st September, 1999 as the chronological cut off date. That only such of the Cricket players as are born on or after 1st September, 1999 would be eligible to participate in the process of selection of Respondent No. 2's Under-16 Cricket team. Since the Petitioner was born after this stipulated date, he desired participation and for that purpose, had approached this Association. It is then stated in the Petition that the first

Respondent had adopted and imposed Tanner Whitehouse Test (TW-3) for verification of age of Cricket players for deciding their eligibility to participate in the process of selection. This test has been adopted and applied by Respondent No.1 BCCI. Thus, the results of this test +/- (plus/minus) to the extent indicated and to be referred in detail hereinafter are decisive of the age. It is therefore considered to be most authentic and reliable test for determining the age. The computation and determination of the age of Cricket players by this method is being questioned.

7) The Petitioner submits that having produced authentic and contemporaneous documents maintained and/or issued by public/local authorities, the date of birth mentioned therein was not taken as conclusive. The Petitioner has submitted that other methods of determining the age of Cricket players has come under severe criticism. The Petitioner states that though he subjected himself to such a medical test, what has been found by the Petitioner is that its report cannot be said to be authentic, as there are variations. The correctness of the test report, copy of which is annexed as Annexure 'A' and which holds the Petitioner to be above 16 years, has been challenged by pointing out that the Petitioner independently underwent a similar verification test based on the same methodology at Breach

Candy Hospital, which has, vide its report dated 12th October, 2015 (Annexure - 'L') declared that the age of the Petitioner, as on the date thereof, was between 15 and 16 years. Similarly, what is contended is that the first Respondent recently decided to abandon the TW-3 age verification test for verifying the age of players for Under-19 Tournament. It means that such a test would not be required to be undertaken by those who are seeking to play at that level. Further, our attention is invited to the case of two players, namely, Agni Chopra and Jahangir Khan, who were declared ineligible for the Cricket tournament that was conducted in the year 2013. However, in the year 2014, the same two players were re-tested under the said TW-3 age verification test and were declared eligible. This itself shows the fallacy of the said test. Among the current 40 probables for 2015-16 Vijay Merchant Trophy, six probables have been tested last year. All players should be tested on same platform and same date. The test conducted one year back maybe considered as proper for the last year but the same player would have grown in body in the last 12 months and if his bone test is done in current year, the results would be different. Uniform pattern for conducting this test has not been applied and followed.

8) It is in these circumstances that the Petitioner tried to seek redressal of his grievance after having been declared ineligible and not qualified. In other words, the test reports not supporting the stand of the Petitioner with regard to his age that after approaching the authorities and finding that there is no redressal, the Petitioner has sent an Advocate's notice. The Petitioner states that he has played in the tournaments conducted by Maharashtra School Sports Association. The Advocate's letter having not been replied nor being there any other mode of redressal that this Writ Petition has been filed.

9) On being served with the papers and proceedings, Respondent No. 1 has filed an affidavit in reply. In the affidavit in reply, reliance is placed on, firstly, the qualification rules and secondly, on the validity of the same being upheld by a Division Bench judgment of the Hon'ble Delhi High Court, delivered on 22nd September, 2015.

10) It is in the light of the above affidavit and the contents thereof that the Petition has been amended. There are sufficient grounds in the Petition which would indicate that the Petitioner had knowledge of these rules and the policy. It is therefore that by amendment, their validity has been challenged together with the aforementioned reliefs sought by the Petitioner.

11) Mr. Dani, learned Senior Counsel appearing for the Petitioner raised three fold contentions. His first contention is that the qualification rules have been determined unilaterally by the BCCI and without any support from any statutory regime. In other words, there is no statute in the field which empowers Respondent No. 1 to make and frame such rules. The rules override all statutory records and public documents. Even if the BCCI has monopoly status and controls and regulates the game of Cricket exclusively, still, it cannot frame such rules. It cannot frame such rules in the garb of being a Society registered under the Societies Registration Act, 1860.

12) The second submission is that assuming without admitting that BCCI has power to make rules so as to declare the eligibility criteria of a particular age and the manner in that has to be determined, still, by virtue of the judgment of the Hon'ble Supreme Court of India, it is apparent that such rules, regulations and policy of the BCCI are capable of being challenged in Writ Jurisdiction of this Court. They can be challenged on the ground that they are arbitrary, excessive and violative of the mandate of Article 14 of the Constitution of India.

13) Mr. Dani therefore elaborated this challenge by submitting that several statutes in the country prescribe a

particular age. There is therefore an age and which is to be mentioned for declaring oneself as a major. In that context, the statute such as the Indian Majority Act is referred. Secondly, birth date has to be set out for obtaining several public documents and certificates. In that regard, our attention is invited to the requirement in that behalf under the Citizenship Act, 1955 and Passport Act, 1967. While issuing a passport and granting proof of citizenship, public records are relied upon. Mr. Dani would submit that the Birth and Death Registration Act, which records the date of birth of child/minor is therefore taken as authentic and conclusive proof, based on which educational and other benefits such as public employment can be sought. Therefore, overriding all these documents no set of rules can be prescribed. Mr. Dani, therefore, would submit that the rules in question completely disregard these parliamentary statutes. The chronological age is therefore given a complete go bye. Such rules are patently discriminatory. They are excessive and arbitrary because the test results have been given a finality.

14) Alternatively and without prejudice and assuming that all the concerned rules and stipulations therein are valid and legal, still, the mandate of Article 14 of the Constitution of India which guarantees equality before law and equal protection of law

postulates a redressal mechanism. This has to be prescribed within the rules. In the absence of such mechanism, the mandate of Article 14 of the Constitution of India is breached and violated. The Petition therefore be allowed.

15) On the other hand, Mr. Saxena appearing for contesting Respondent No. 1 submits that the Petitioner has raised a challenge to the rules belatedly. The Petitioner was aware of the fact that the chronological date of birth is not determinative and final. That it is not decisive is known to the Petitioner because through his parents he has subjected himself to the TW-3 test. The voluntary submission of the Petitioner to this test would denote as to how after the results were not found to be in his favour that such a challenge has been raised. This Court therefore should not countenance any of the submissions of Mr. Dani. The Petitioner being aware of the rules, cannot now turn around and challenge them.

16) Assuming without admitting that such a challenge can be raised, still, Respondent No. 1 has given a complete answer to the same. It is a governing body for the sport of Cricket in India. It is responsible for ensuring that proper protocols are put in place to ensure a level playing field for competitive participation of players in its age group tournaments. The first Respondent

ensures competition between players of similar skeletal maturity. The first Respondent has adopted scientific method of determining skeletal maturity known as TW-3 method or test in the year 2012. This method or test was adopted after decision of the Asian Cricket Council in 2007 to curb the rampant menace of manipulation of birth certification documents. Since 2012 this test has been applied for all Under-16 age group Cricket tournaments. It has also been adopted by several sport organisations. The very rules were questioned and the Delhi High Court has upheld the same. The BCCI age verification programme 2015-16 clearly stated that the players would, as a first step, be required to submit scanned original birth certificate for the purpose of identifying the chronological age and only those players who are born on or after 1st September, 1999 would be entitled to undergo the selection process specified in the age verification policy. The salient features of the same are set out in the affidavit and our attention is invited to these rules, copy of which is at page 75 of the paper book. It is stated that there is complete fallacy in the arguments, as the Petitioner seeks to participate in a Cricket tournament meant for the age group of Under-16. The Petitioner is not seeking a Passport or any other public document. The Petitioner is not seeking admission to any educational institution nor public employment. In the field of

sports, it is open for the sports authorities or the managing and controlling bodies to prescribe rules, that ensures a level playing field. In such rules, apart from public documents, for determining the age and to ensure fairness and transparency, other tests can be evolved and prescribed. Mere prescription and evolution of such test in addition to furnishing of proof of chronological age by itself cannot fall foul of the mandate of Article 14 of the Constitution of India. There is nothing excessive or arbitrary because only the Petitioner has come forward to question the same. There are several persons and children who have come forward and volunteered to undergo such tests. The Petitioner also initially underwent the same. In such circumstances, when the two fields and two sources of entry and participation or seeking opportunity are different, then, there cannot be a complaint of discrimination. There is, therefore, nothing excessive and arbitrary because the policy is uniformly applied and now for all sport activities. Further, as a precautionary measure and to avoid abuse and manipulation of the birth certification documents for proving the age that this method has been adopted. In the circumstances, merely because the Petitioner is required to undergo the test and the results are not to his liking, this Court should not interfere in its Writ Jurisdiction with such a policy measure.

17) Our attention is also invited to page 77 of the paper book to clause 2(iii), wherein, it is stated that if the results of the two BCCI AVP radiological consultants tally so as to be within the standard deviation of +/- 6 months of each other, then, the lower TW-3 bone age will be accepted. If the results do not tally within the standard deviation of +/- 6 months, the two BCCI AVP radiological consultants will be called upon to jointly review the AVP date of that player and attempt to reach a consensus. If such a consensus cannot be reached between the two, a third BCCI AVP radiological consultant will be appointed to analyze/interpret the AVP date of the player and the majority decision shall prevail.

18) It is submitted that this is a complete redressal mechanism and ensures that no injustice is done nor a qualified player is left out. Once for determination of age this care has been taken, then, though the system adopted and the policy chosen may not be foolproof, but this Court, in its Writ Jurisdiction, cannot substitute it with any other policy, simply because that other policy is better in its opinion. Therefore, it is prayed that the Writ Petition be dismissed.

19) With the assistance of the learned Counsel appearing for the contesting parties, we have perused the Writ Petition and the affidavit in reply on record. We have perused them together with all Annexures.

20) We are mindful of the fact that in limited matters, the BCCI is amenable to this Court's Writ Jurisdiction. The matter, which is brought before us is pertaining to a tournament at national level and therefore it is only in this limited sphere that we are required to find out, whether this is a fit case for interference in and exercising our Writ Jurisdiction.

21) The Petitioner has questioned the validity of the rules and by urging that the same was not subject matter of challenge before the Hon'ble Delhi High Court. In order to consider as to whether this submission is correct or not, we have perused the judgment of the Delhi High Court with the assistance of the learned Counsel. The controversy before the Delhi High Court and particularly before a Division Bench presided over by the Hon'ble the Chief Justice was that the Writ Jurisdiction of the said High Court was invoked by filing a Writ Petition. That Writ Petition was allowed by a learned Single Judge. He issued the directions as are reproduced in para 1 of the Division Bench judgment. Aggrieved by these directions, an Appeal was preferred before the Division Bench and which came to be decided on 22nd September, 2015. The facts have been noted in para 2 and therein. The Writ Petitioners before the Delhi High Court desired to participate in the very tournament, namely Under-16,

organised by the BCCI in the year 2012-13. Their case was that they were born on or after the cut off date and therefore eligible to participate. However, in the age determination test conducted through TW-3 method, the Petitioners were found to be not under 16 years of age. One of the Petitioners was held eligible to play, but the other Petitioners were found to be ineligible to participate. They also relied upon the birth certificate issued to them under the Registration of Births and Deaths Act, 1969, the School Leaving Certificate and the Passports. The Writ Petitions were contested precisely on the same grounds as are urged before us. The BCCI pointed out that this is a most authentic and scientific method of determining age adopted at the national level. It is also adopted by international bodies. It prevents age manipulation. That is evolved after it was revealed that birth certificates were altered and changed in South Asia. That is how the age testing process and which was scientific and more accurate was adopted. The learned Single Judge did not accept this stand and opined that it would be highly unreasonable if despite submitting authentic and genuine documents the Petitioners are not given opportunity to participate and play. Some medical opinion, therefore, cannot override the contents of the documents and obtained from statutory authorities. In furtherance of such a view and opinion, the learned Single Judge allowed the Writ

Petitions/disposed them of with directions reproduced by the Division Bench of the Delhi High Court in its judgment.

22) It is such a controversy and which is identical to the one before us that was considered by the Delhi High Court and the Division Bench held as under:-

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6. As could be seen from the material available on record, from 01.04.2010, the Ministry of Sports, government of India adopted a National Code Against Age Frauds in Sports (NCAAFS). The said Code set out the procedure for medical examination by medical and scientific testing paramount which are to be conducted by Sports Authority of India and National Sports Federations. The Working committee of BCCI at its meeting held on 12.05.2012 in Chennai resolved to adopt the TW3 policy for all future BCCI Under-16 age group tournaments and the same was communicated to the concerned radiology centers inviting them to be partners in the process. The details of how the test was to be conducted were also conveyed. The BCCI also conveyed to the affiliated State Cricket Associations the AVP Rules and Regulations of BCCI which are to be followed for all Under-16 players. The said AVP became effective from 01.09.2012.

7. It is also relevant to note that BCCI is the governing body for the sport of cricket in India. The Age Verification Programme has been undertaken by BCCI to ensure a level playing field for competitive participation of players in its age group tournaments by ensuring competition only between players of similar skeletal maturity.

8. As rightly pointed out by the learned counsel for the Appellant/BCCI, the petitioners never challenged the policy of BCCI to adopt a scientific method of determination of the age. It is not in dispute that BCCI was earlier adopting GP method which is also one of the bone age testing methods for determination of the age of players. From 01.09.2012 onwards, the BCCI has started adopting TW3 method in the place of GP method since TW3 method is found to be more authenticated scientific method all over the world. The fact that all the participants in Under-16 tournaments are subjected to the age determination test by TW3 method is also not in dispute.

9. Under these circumstances the policy decision taken by BCCI for adopting TW-3 Tournaments cannot be held to be based on either irrational or extraneous criterion. The decision of BCCI, according to us, stands to the test of reasonableness and under no circumstances can be held to be against public interest. The law is well-settled that such a decision does not warrant interference under Article 226 merely because it is possible to take a different view.

10. We are also of the view that BCCI cannot be expected to have the method of verification of genuineness of documents which are given as proof of age by the players from all over the country. Evidently, the bone age test adopted by BCCI is to avoid discrimination between the players and to ensure a level playing field in age group tournaments. It may be added that even the petitioners did not raise any objection to the procedure/method of age determination being adopted by BCCI and had voluntarily subjected themselves to the age determination test by TW3 method conducted by BCCI. Merely because the age determined by TW3 method did not tally with the birth certificates and other documents produced by the petitioners, they cannot now turn around and seek a mandamus directing BCCI to rely upon the birth certificates.

11. Having regard to the admitted fact that BCCI has been adopting the scientific method of bone age test for age determination of players for all Under-16 tournaments for the past several years and that the petitioner were very well aware of the said fact and particularly in view of the undisputed fact that all the players participated in the Under-16 tournaments in the year 2012-13 were subjected to age determination test by TW3 method, the impugned action of BCCI cannot be held to be arbitrary, unreasonable or discriminatory.

.....”

23) We are, with respect, in complete agreement with the above views. We are also mindful of the fact that the Division Bench judgment of Hon'ble Delhi High Court has only a persuasive value as far as this Court is concerned. Therefore, apart from the observations and conclusions in the Division Bench judgment, independently we have examined the record.

24) We have found from the record that the Petitioner does not claim an absolute right to participate in the tournament and being selected for the same. The Petitioner is aware that before he can actually play as a part of the team, he would have to undergo a selection process. For participation in such a process and being included therein, he would have to satisfy the authorities that he is of the required age. Meaning thereby, he is below 16 years of age. Apart from producing documents and records certifying his age issued by public bodies and statutory/legal authorities, he would have to undergo the TW-3 test. The Petitioner underwent such a test and the results thereof indicated that he is ineligible and not qualified being over 16 years of age. The +/- criteria evolved also cannot come to his aid and assistance. That this method has been chosen by sports bodies and for several sport activities at national and international level and hence adopted by BCCI. That is a policy decision with which this Court cannot interfere in its Writ Jurisdiction. One cannot equate a sport activity with a right to obtain a Passport or other certificates certifying the age, place of residence, occupation etc. Similarly, when the date of birth is entered in the local body record by relying on the materials produced from the concerned hospital where the child was delivered or born these, could, at best, be a primary document

enabling the child or person to later on claim certain benefits. The Registration of Births and Deaths Act, 1969 requires registration of births and deaths and the obligation and duty in that regard is prescribed. That obligation is to be discharged by a public body. The entries therein are based on medical records. Therefore, the chronological date of birth is mentioned therein. That would facilitate the parties like the Petitioner in obtaining several benefits or enforcing rights under several statutes and policies of the State. However, as a matter of absolute proposition no right much less a vested one, is conferred in the Petitioner. He cannot claim that he must be allowed to play a tournament or participate in a sport activity only on the strength of this chronological age proof. In the absence of any other rule or policy, may be such a claim could be raised, however, once the participation in the sport activity is subject to the policy to be determined by the managing and controlling authority like BCCI, then, parties like the Petitioner cannot ignore or bypass the same or call upon the Court to ignore or bypass them. The parties cannot insist that the Court must rely on the chronological date of birth in preference over such rules. Such a plea at best can be raised, but it would have to be substantiated. It would have to be demonstrated and proved that the policy or rule is arbitrary, discriminatory or its application has resulted in gross injustice

and material prejudice. That it takes away the level playing field and excludes eligible persons from participating in sport activities undertaken by monopoly organisations like the BCCI. Such is not a case before us. We have not found from the records that the BCCI has acted arbitrarily, unreasonably or has discriminated by only excluding the Petitioner from the selection process. The tests have been conducted on several participants. Some of them may have been found to be of the required age, some may not have been. However, merely because the test results are not positive or to the liking of the Petitioner, we cannot discard them. There is no reason to disbelieve the same because the tests have been conducted by experts. Pertinently, the Petitioner does not question the qualification of the experts nor of the institution or the organisation where the tests have been conducted. There is no complaint about the genuineness or authenticity of the records of the test nor it is said that the results cannot be believed and relied upon. Once the tests have been conducted by the experts in the field and they indicated the skeletal maturity as per the accepted standard, then, we do not think that in our Writ Jurisdiction we must interfere with the actions of the BCCI. As held by the Delhi High Court, if the procedure for medical examination is set out in the rules and that is a method adopted by Sports Authority of India and National

Sports Federations, then, all the more the selection by such a test and its adoption by the BCCI cannot be interfered in our Writ Jurisdiction. Eventually, it is not for this Court to substitute its views with that of the experts in the field. In the matter of holding tournaments, selecting players, it is the BCCI which has been conferred the status. Its registration as a Society coupled with the status given to it enables it to frame policies and make rules. If the tournaments are organised and held by BCCI consistent with the rules, then, we do not find that the Petitioner's complaint is justified. The Delhi High Court has found that the Ministry of Sports, Government of India adopted a National Code Against Age Frauds in Sports. The said Code sets out the procedure for medical examination by medical and scientific testing paramount which are to be conducted by the Sports Authority of India and National Sports Federations. The rules are thus valid, legal and binding. They ensure that players of similar skeletal maturity complete with each other. It is to ensure a level playing field for competitive sports at national level.

25) We are, therefore, not in agreement with Mr. Dani that the proof of chronological age should ordinarily be accepted and no other method or test for age verification ought to be prescribed. The proof of ones' date of birth and skeletal maturity

are two different things. If the chronological proof of age cannot be held to be decisive and the documents in that behalf could be manipulated and may be misleading, then, the determination of age by a scientific method or process can definitely be adopted and prescribed. The BCCI, therefore, was fully empowered to make the rules or prescribe the policy. That cannot be struck down or quashed on the ground that there is no such process or method prescribed while enabling parties like the Petitioner to obtain proof of citizenship or passport. That is a distinct process and statutory right. For that purpose under those statutes one may rely on the proof of age as certified and set out in the birth records and certificates. However, once a sport activity is being undertaken and managed, then, the controlling and regulating authorities are not precluded from prescribing a set of rules and framing a policy for participation in the same. Any policy or criteria of age etc. can be prescribed. That is not questioned. This power to make a rule or frame a policy may also provide for a procedure in order to enable the controlling authority or governing body to record a satisfaction that in tournaments held for children under a particular age only those participate and play who fulfill the age criteria. The procedure prescribed could include subjecting the candidates to medical and scientific tests. These are recognised and accepted methods and standards world

over. The sports bodies subject the child to tests to determine the age, sex etc. We are not concerned with the wisdom of prescribing the same. They may be held in exceptional cases or as a rule before allowing the child to be a part of the selection process. Right to engage oneself in a activity like sport and provision of a opportunity for participation therein by the State or its agency may be claimed as a part and parcel of the larger Constitution guarantee enshrined in Article 21 and directive principles of the Constitution but that carries no assurance of selection in a team sport necessarily. The selection process must be gone through by all. These fundamental principles are undisputed.

26) In these circumstances, we do not find that the BCCI's rules and as challenged in the present case can be quashed and set aside on the ground that for obtaining of passport or other benefits such tests are not prescribed. We also cannot term the BCCI's actions and eventually the policy as noted above as excessive, arbitrary or discriminatory in any manner. We find that the BCCI has placed before us adequate materials enabling us to hold that it has not disregarded any statute while implementing the policy. It has not given the chronological age a complete go bye or discarded it totally. It has, in addition to

accepting the relevant documents, also prescribed the test and the reasons for prescription of the same have a nexus with the object sought to be achieved. That all those who are of the required age are able to participate and compete with each other. None is excluded simply because there is a complaint about the age or he being under or over age. We also find that there is a redressal mechanism, inasmuch as the BCCI has ensured that the test results are analysed and reviewed. They are analysed and reviewed by independent experts. On account of any difference of opinion amongst them, the redressal mechanism ensures that the player does not suffer. Therefore, on matters of determination of age by scientific method or by medical examination over which the minor player may have no control, the BCCI has in terms of the mechanism carved out within the rules, ensured that he does not suffer and is allowed to participate. That is how the +/- criteria has been determined. A better option could have been thought of is argued, however, we cannot only on that ground interfere with the said rules and the policy as a whole.

27) We have also found that there is no substance in the plea of discrimination. The only averment in the Petition is that the Petitioner has learnt that in the case of TW-3 age verification test conducted in the year 2013 for this very tournament, two of

the players were declared ineligible. They were declared ineligible for the Cricket tournament of 2014. However, in the year 2014, the same two players were retested in the said TW-3 test and were declared eligible. Apart from making such a bald assertion and leveling vague allegation, we do not find any document placed on record in relation to these players for substantiating these allegations. We do not have any proof of these players having been retested as claimed. Whether they were found eligible by a mechanism of retesting or the results of their test underwent the process of review, as carved out in the policy, is therefore not known to us. We cannot indulge in guess work and take cognizance of such a complaint. Therefore, we do not think that on such vague grounds we can interfere with the subject decision.

28) As a result of the above discussion and being in complete agreement with the view of the Division Bench of the Hon'ble Delhi High Court so also on our independent appraisal of the materials, we cannot interfere with the impugned decision of the BCCI in our limited Writ Jurisdiction. The Writ Petition therefore fails. It is dismissed. Rule is discharged without any order as to costs. The parties to act upon an authenticated copy of this order.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)