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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4153/2015 & CM No. 7533/2015

GARIMA CHAUDHARY Petitioner
Through: Mr. Rahul Mehra, Adv.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr Harsh Ahuja & Mr Abhishek
Chaudhary, Advs. for R-1.

Mr Anil Grover & Ms Divya Jain, Advs. with Mr
Sudhir Jain, Project Officer for R-2.

Ms Kiran Jai with Mr Sanjeev Narula, Advs. with
Mr Manmohan Jaiswal, Gen. Secretary & Mr
Rajan C.S., Secretary, for R-3.

Mr Anil Kumar, Adv. for R-4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **08.05.2015**

1. The matter has been taken up post lunch, at 2.45 p.m. Before I proceed, further, I may only note that typographical errors of inconsequential nature, have crept in order dated 07.05.2015 and the order passed today, in the pre-lunch session.

2. Accordingly, the said orders will stand corrected as indicated hereafter.

2.1 The correction in order dated 07.05.2015 is in paragraphs 2 and 3. The correction ordered is both underlined and marked in bold. The scored out portion in paragraph 3 is bracketed, as indicated below:

“....2. The complication which has arisen on account of respondent no.3 declaring Ms Nirupama as the winner, **is this:**

.....3. Resultantly, the petitioner never got to (~~the stage of competing~~) **compete** with Ms Sunibala Devi.....”

2.2 Similarly, the correction in order dated 08.05.2015, passed in pre-lunch session, is also underlined and is in bold:

“..... Respondent no.2/SAI will have the said players connected on Skype so that their concerns, if any, can be looked **at** before further orders are passed in the matter.....”

2.3 It is made clear that all other directions contained in the order dated 07.05.2015 and order dated 08.05.2015 (passed in the pre-lunch session) will remain unaltered.

3. In so far as the main proceedings are concerned, I may only record that a Skype connection was made with Ms Nirupama and Ms Sunibala Devi, who are impleaded as respondent no. 5 & 6 respectively, and their views, in the matter were ascertained by me.

3.1 Ms Nirupama indicated to me that the petitioner had lost to her on three occasions and that this was a recurring situation. I explained to her the circumstances, in which, this methodology was devised, and the fact that an independent committee had returned a finding that the petitioner ought to have been declared winner of the match held with her on 21.03.2015.

3.2 Having informed Ms Nirupama about the result reached by the committee and, the circumstances, in which, the methodology of a re-match was evolved, she agreed to a re-trial/ selection.

3.3 Similarly, I explained the circumstances, to Ms Sunibala Devi, who also agreed to have a rematch with the winner of the bout, slated between the petitioner and Ms Nirupama.

4. Since, all three parties (i.e., the petitioner, Ms Nirupama and Ms Sunibala Devi) are on board, the following further directions are issued in the matter.

4.1 Based on the input of respondent no.2, i.e., Sports Authority of India (SAI), and respondent no.3, following persons are appointed to man the various job functions indicated hereafter:

Jury/ Refereeing Commission

- (a) Mr Dip Kumar Singh, IJF/ JUA 'A' Grade (Mb. No. 09830032804)
- (b) Mr M.N. Bangera, International Referee 'A' Grade, JUA Refereeing Commission Member (Mb. No. 0982058798 & 09920515051)
- (c) Mr Shailesh Tilak, IJF/ JUA 'A' Grade (Mb No. 09422029656)

Mat referee

- (a) Mr Rakesh Singh, IJF/ JUA 'A' Grade (Mb. No. 09814803420)

Judges

- (a) Mr Ranbir Singh, JIF/ JUA 'A' Grade (Mb. No. 07429120740)
- (b) Mr J.R. Rajesh, IJF/JUA 'A' Grade, Mb. No. 09645766671

Table Officials

- (a) Mr Surender Singh (National Referee), Over All Time Keeper (Mb No. 09878077444)
- (b) Mr Satish Sharma (National Referee), Osae Komi Time Keeper (Mb No. 09760009557)
- (b) Mr Avnish Bhatt (National Referee), Score Recorder (Mb. No. 09917119568)

Weighing Official

- (a) Ms Navreet Kaur (Mb. No. 09855997705)

4.2 Apart from the above, at the request of respondent no.3, Mr Balbir Singh, Advocate (Mb. No. 9810404914), is appointed as a Court Observer.

4.3 The re-match will be videographed and the original CD will be handed over to the Court Observer, who will file the same with his report. The Court Observer in his report will give observations qua the re-match as held, as per the directions of this court. The result of the re-matches, as ascertained, will be recorded in the report.

4.4 It is made clear, that bouts will be conducted in accordance with the IJF Refereeing Rules, 2014-2016 (in short the Rules).

3.5 Respondent no.3, will also provide whatever equipment is mandated under the said rules for the purposes of the bouts. Respondent no.2, will also endeavour to supply the equipment, on the request of respondent no.3, if the necessary equipment, is readily available.

4.6 As agreed, the first bout will be held between the petitioner and Ms Nirupama. The winner of the said bout will engage with Ms Sunibala Devi.

4.7 The venue for re-matches/selection will be the Indra Gandhi Indoor Stadium, I.P. Estate, New Delhi. The process for selection will commence at 10.00 a.m., on 11.05.2015. Respondent no.3, will ensure that Ms Nirupama and Ms Sunibala Devi reach the venue fixed for the selection.

4.8 It is also made clear that all three players will be obliged to supply samples in conformity with the rules, to enable a doping test to be carried out.

5. Mr Harsh Ahuja, who appears for respondent no.1/ UOI, says that he has spoken to the concerned official in the ministry, i.e., Mr A.K. Patro, Under Secretary. He has indicated that the concerned governmental agency

has been informed of the development, and that, they had assured that all approvals will be given at their end, to whichever, player, who is finally declared, the ultimate winner.

5.1 He further informs me that Mr Sanjay Jain, learned ASG, has also spoken to Mr Onkar Kedia, Jt. Secretary, in the Ministry of Youth Affairs and Sports.

6. Learned counsel for respondent no.3 has further informed me that they have made a request to the President of the Judo-Union of Asia, to enter the petitioner's name as stand-by player, qua the games in issue. This e-mail, I am told, was sent today at 1.43 p.m.

7. Since, one is short on time, the concerned government officials will take necessary measures for facilitating issuance of Visa to the petitioner. I am told, issuance of Visa could be facilitated if, respondent no.3 were to write a formal letter to the Kuwaiti Embassy in India. Respondent no.3, will do so forthwith. A copy of the same will be handed over to the counsel for the petitioner. The petitioner, will take due steps at her end, as well. The concerned ministry may also interface with the Ministry of External Affairs, and if necessary, request the Foreign Secretary to the Government of India, to intervene in the matter.

8. This particular case, has brought to fore several aspects plaguing sports generally and Judo, in particular. Counsel for respondent no.3 conveys that their client wishes to make the system of judging both, at the selection and at the match-level, robust. Accordingly, in respect of two aspects, respondent no.3 has no objection. First, that all trials/ selections, as also matches, ought to be videographed, irrespective of gender. Second,

prescribed international rules, should be followed both for trials and for matches.

9. The said statement made on behalf of respondent no.3, is taken on record. The aforesaid methodology, as indicated in paragraph 8 above, will be followed for all future trials/ selections as also qua matches held by respondent no.3.

10. Part heard.

11. List for further hearing on 08.08.2015.

12. Dasti under the signatures of the Court Master.

RAJIV SHAKDHER, J

MAY 08, 2015

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