

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2558 of 2016

- Thomas Philip S/o Late Philip Joseph, Aged About 45 Years R/o Qt. No. H I G-01, Housing Board Colony (Bodhghat), Ward No. 32, P.S. Bodhghat, District Bastar, (Chhattisgarh)

---- Petitioner

Versus

1. Union Of India Ministry Of Corporate, Office At New Delhi
2. Chairman , Life Insurance Corporation Of India, Central Office At Mumbai (Maharashtra)
3. Chairman, Life Insurance Corporation Of India, Sports Promotion Board Office At Mumbai (Maharashtra)
4. Zonal Office/ Zonal Sports Coordination Committee, Through Zonal Manager, L I C, Central Zone Office, Hoshangabad Road, Bhopal (Madhya Pradesh)
5. Divisional Office/ Divisional Sports Coordination Committee, Through Divisional Manager, L I C Division Office, Pendri, Raipur, District Raipur, (Chhattisgarh)

---- Respondent

For Petitioner	Mr. Praveen Dhurandhar, Advocate
For Respondent No.1/UOI	Mr. N.K. Vyas, Assistant Solicitor General

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/10/2016

1. Heard,.
2. The petitioner is an employee of the Life Insurance of Corporation of India (in short "the LIC"). He has assailed the Sports Policy framed by the LIC mainly cause II(A) (ii) 1 of the

Policy, which has created age bar of 40 years at the entry level for participation in the discipline of Athletics and Volley Ball.

3. It is contended by Mr. Praveen Dhurandhar, learned counsel for the petitioner, that the petitioner is highly talented volley ball player and is fully fit to participate in the tournament organized in different regions of LIC, however, since he has attained the age of 45 years, he will not be allowed to participate because of the age bar, which is arbitrary and unreasonable. He would submit that an individual may still be fit and capable enough to perform well in a particular sports discipline beyond the age of 40 years, therefore, creating age bar at the entry level has no bearing with the object sought to be achieved.
4. Mr. N.K. Vyas, learned Assistant Solicitor General appearing for the Union of India, on advance notice, would submit that the policy has been framed by the LIC and not by Union of India.
5. Having considered the submissions, it would appear that the petitioner desires this Court to enter into the area of policy making. In the policy itself, an explanation has been inserted to say that the age limit will not be applicable to the sports persons who have participated in any of the National and International events (other than events for Veterans) during preceding two years. Thus, the highly talented sports persons who have participated at the National or International levels in the preceding two years have been presumed to have sufficient strength and stamina to play games beyond the restricted age limit, therefore, it cannot be said that all persons who has crossed the age bar have been debarred from participation.

6. With the growing age, an individual loses strength, stamina and efficiency, therefore, it is not a case where the respondents have acted with such arbitrariness or unreasonableness where it can be said to suffer from Wednesbury unseasonableness.
7. In the considered opinion of this Court, sitting under Article 226 of the Constitution of India, this Court may not interfere in the policy matter more particularly in the matter concerning the field of sports.
8. For the foregoing, this Court does not find any substance in the writ petition, it fails and deserves to be and is hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)