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

+ W.P.(C) 3297/2016 & C.M.Nos.14048-14049/2016

SHOOTING BALL FEDERATION OF INDIA Petitioner

Through Mr.D.K.Rustagi with Mr.B.S.Bagga,
Advocates.

versus

UNION OF INDIA AND ORS Respondents

Through Mr.Ashish Dholakia with Mr.Gautam
Bajaj, Advocates for R-1 to 3.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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21.04.2016

Present writ petition has been filed challenging the letter dated 23rd March, 2016 whereby the respondent No.1 has refused to grant any financial assistance to the petitioner-Federation and has further stated that the National Championship for any sport discipline can only be conducted by a recognised National Sports Federation that too only once a year.

Petitioner surprisingly also challenges its own letter dated 2nd April, 2016 whereby the petitioner has informed the respondent No.1 about the election report dated 11th October, 2015 with signatures of the Returning Officer and has sought approval of the said elections. Petitioner has further requested the respondent No.1 to revive the recognition that had been granted to the petitioner.

Mr.D.K.Rustagi, learned counsel for petitioner states that de-recognition is prejudicial to the organisation and cannot be given effect to as the same is in the violation of the principles of natural

justice inasmuch the impugned order has been passed without giving any show cause notice to the petitioner

The relevant portion of the impugned order dated 23rd March, 2016 reads as under:-

“4. The election of Shooting Ball Federation was held on October, 2011 and was due in October, 2015. On account of dispute between two factions in the management of the Federation, two separate group conducted their elections on 11/10/2015 (by the faction of Sh.M.L.Gupta) and 20/12/2015 (by the faction led by Shri Manoj Sule and Shri Ravinder Tomar). In view of this Shooting Ball Federation of India has not been granted annual recognition for the year 2016.

5. As intimated above, the Ministry does not deal with any matter relating to State Level Association including SBFI. With regard to holding of national championships, only the NSF is authorized to host or cause hosting of the event. For this purpose, it may allot the event to any of its affiliated state unit. It appears that because of the dispute in the management, two separate factions have issued circulars for conduct of 34th Sr. National Championship in two different venues with different dates. The Ministry has no role in this regard. Moreover, since SBFI falls under “Others” category as indicated above, they are not eligible for any financial assistance from the Ministry of Youth Affairs and sports for conducting any tournaments. Further, national championship for any sport discipline can be conducted by a recognised NSF only once in a year. Any National Championship conducted by any faction of the Federation, which does not have the recognition of the Government can not be considered as valid.”

From the aforesaid, it is apparent that there are two rival factions who are claiming to be the in-charge of the Federation. Since that is the admitted position, this Court is of the view that even if prior show cause notice had been given by the Union of India, it would have made no difference.

It is settled law that principle of natural justice is no unruly horse. In *M/s. Shrikrishnadas Tikara Vs. State of M.P. & Ors.*, AIR 1977 SC 1691, the Supreme Court has held:-

“8.....It is well-established that the principles of natural justice cannot be petrified or fitted into rigid moulds. They are flexible and turn on the facts and circumstances of each case. Has there been any unfair deal by the authority? Has the party affected been hit below the belt? Has he had a just opportunity state his plea? Having regard to the features of the present case, we are hardly satisfied that the order is bad on this score.”

In the present case, since the factum of the two rival factions is not disputed, this Court is of the view that the impugned order calls for no interference. Accordingly, the present writ petition is dismissed along with the applications. However, the petitioner is given liberty to file appropriate legal proceeding in accordance with the law.

MANMOHAN, J

APRIL 21, 2016
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