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

+ W.P.(C) 4508/2015 and CM No.8166/2015 (directions)

TAMANA GULSHAN

..... Petitioner

Through: Mr.Rohil Goel and Mr. Sandeep Singh,
Advocates

versus

TABLE TENNIS FEDERATION OF INDIA
AND ANR.

..... Respondents

Through: Mr.Sandeep Banga and Mr.Rajeev
Kapoor, Advocates for R-1

Mr. M.Qayamuddin and Mr. Sumita Banu,
Advocates for R-2 with Mr. Manjit Singh Dua,
General Secretary, DSTTA

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

06.05.2015

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1. Mr. Qayamuddin enters appearance on behalf of respondent no.2 / Delhi State Table Tennis Association (in short DSTTA). It is the learned counsel's submission that revised guidelines dated 21.03.2015 were issued for submission of date of birth certificates.

2. It is stated by Mr. Qayamuddin that relevant guidelines were issued by the first respondent i.e., Table Tennis Federation of India; according to which, where date of birth was registered by the authority constituted under the Registration of Birth and Death Act, 1969 (in short the 1969 Act) beyond

the period of one year of the individual's birth then, certain other documents as listed out in clause 3 of the aforementioned guidelines were required to be

examined. These being :

“...i). Original Discharged summary from the hospital where the child was born.

ii). Original copy of the maternity leave sanctioned by the employers of the mother, in case she is employed. (The said documents should clearly bear the name and seal of Competent Authority granting the said leave).

iii). With the support of documents 1 and 2 above, the parents should obtain Judicial Order from the First Class Magistrate. To obtain the same, six month period shall be allowed...”

2.2 It is also the learned counsel’s submission that as per the provision of Section 13(3) of the 1969 Act, any birth or death which has not been registered within one year of its occurrence, could have been registered by the authority constituted under the 1969 Act, only on an order made by the Magistrate of First Class or the Presidency Magistrate after authenticating the correctness of the birth or death and on payment of prescribed fee.

3. Based on the above, concerns were raised by the learned counsels for respondent no.1 and 2 vis-a-vis the registration certificates obtained by the petitioner, which is appended at page 34, of the paper book.

4. I have heard the learned counsels for the parties. What is not in dispute, is that, a registration certificate has been issued by the concerned authority constituted under the 1969 Act. As per the said certificate, the petitioner was born on 08.10.2004. However, the registration certificate has been issued on 18.12.2007. While, the provisions of the 1969 Act require the applicant to obtain an order of the Magistrate when, registration is made after a period of one year has elapsed since the date of birth, there is, in my

view, a presumption in law that the concerned authority constituted under the 1969 Act has taken recourse to the relevant provisions of the Act, before issuing the certificate, unless it is suitably rebutted. This is a matter which concerns the authority constituted under the 1969 Act.

5. Therefore, for the second respondent to raise objections based on its guidelines, according to me, is at least, at this stage, not proper. The 1969 Act also provides for cancellation or correction of the entry made in the Register of births and deaths. The relevant provision in this behalf is, Section 15 of the 1969 Act. In case respondent no.1 or 2 has any doubt, it could always move the concerned authority under the said provision.

5.1 Be that as it may, to put the matter beyond doubt, the Registrar of Births and Deaths, which is the authority constituted under the 1969 Act, is impleaded as a party to the present proceedings. An amended memo of parties be filed within one week from today.

5.2 Pending further enquiry into the matter, the petitioner will be allowed to participate in the tournament. This direction is issued also for the reason that the petitioner has adverted to several tournaments that she has participated in past. Reference to these tournaments has been given in paragraph 6 of the petition. The respondents, it appears, have allowed the petitioner to participate, all this while.

6. Accordingly, as indicated above, the petitioner will be allowed to participate in the tournament. If she were to win the tournament then only the question would arise : as to whether she would be entitled to a prize. In

case she wins the tournament, the prize will be withheld subject to further orders in the petition.

6.1 I am informed by the counsels for both sides that the petitioner can participate in both under age 12 years and under age 15 years category. The learned counsel for the petitioner says that the petitioner has filed an entry for both categories.

7. List on 05.08.2015.

8. Dasti to all parties.

RAJIV SHAKDHER, J

MAY 06, 2015

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