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

+ **W.P.(C) 9168/2015 & CM APPL. 20899/2015**

PRADEEP KUMAR

..... Petitioner

Through Mr. Sulaiman with Mr. A K Dubey
Advs.

Versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr. Dev. P Bhardwaj, CGSC for R-1&2
Mr. Anil Grover with Mr. Mishal Vij
and Ms. Noopur Singhal, Adv. for R-3
Mr. Hari Singh with Mr. Chaman Lal
Adv. for R-4 to 6

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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07.09.2016

1. This petition by way of Public Interest Petition has been filed seeking a direction to the respondent Nos.1 and 2 to initiate an inquiry by an independent agency preferably by CBI into the alleged financial irregularities and mal-functioning of the respondent No.4/"Special Olympics Bharat" and the illegalities committed in selection of the sports persons under the Intellectual Disabled Category as well as coaches to represent the country in the 14th Special Olympics World Summer Games held in Los Angeles, U.S.A. A further direction has also been sought for removal of the respondents 5 & 6, who are stated to be CEO of the respondent No.4 and National Sports Director respectively.

2. The petitioner claims to be a tax consultant by profession and a social worker working in the field of child education. It is pleaded that the respondent No.4 "Special Olympics Bharat" is a Charitable Trust registered under the Indian Trusts Act, 1882. Its objectives included to promote, sponsor and organize Special Olympics to provide sports training and athletic competition in a variety of Olympic type sports for children and adults with mental retardation or intellectual disability irrespective of caste, creed or religion both within India and on an international level. The material placed on record shows that by proceedings dated 18.01.2006 of the Government of India, Ministry of Youth Affairs and Sports, the respondent No.4 was granted recognition as a National Federation and was granted a major role for development of the sports for persons with mental retardation/intellectual disability. The respondent No.4 was also categorized under "priority" category for availing Central assistance under various schemes of the Ministry of Youth Affairs and Sports vide proceedings dated 07.04.2006.

3. It is alleged in the writ petition that the respondent No.4 adopted several fraudulent and corrupt practices in the selection of athletes and coaches for participation of the World Summer Games, 2015 and there was complete violation of the guidelines dated 01.05.2010 as well as the National Sports Development Code of India, 2011 issued by the Government of India. It is alleged that the appointment of the respondent Nos.5 and 6 was also illegal and in violation of the guidelines issued from time to time. The further allegation is that the respondent No.4 is not registered under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. It is pleaded that

though several complaints were made to the respondent Nos.1 to 3 bringing to their notice the alleged irregularities and illegalities committed by the respondent No.4 and its corrupt activities, no action has been taken till date.

4. The respondents 4 to 6 filed counter affidavits denying the allegations made by the petitioner and contending that the writ petition is motivated and not bona fide.

5. We have heard the learned counsel for both the parties and perused the material available on record.

6. Though we are not inclined to enter into the various issues raised by the petitioner and express any opinion as to the correctness of the allegations made, we consider it appropriate to direct the respondent No.2/Union of India, Ministry of Youth Affairs and Sports to look into the contents of the writ petition treating the same as a representation and pass an appropriate order in accordance with law after giving an opportunity of being heard to the respondent Nos. 4 to 6 as well as the writ petitioner. Such an order shall be passed within eight weeks from today and a copy of the same shall be communicated to all the parties. If aggrieved, the parties are at liberty to challenge the order that may be passed by working out the appropriate remedy available under law.

7. The writ petition is accordingly disposed of with the above directions.

8. Dasti.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J.

SEPTEMBER 07, 2016/P