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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1189 OF 2017**

Ms. Senhora Soster Dsouza

... Petitioner

Versus

The Maharashtra State Table Tennis
Association and Ors.

... Respondents

Mr. S.K. Shinde i/by Mr. Vivek Salunke for the Petitioner.

Mr. Pranav Sampat a/w Mr. Zacarias Joseph i/by Khaitan & Co. for the
Respondent No.1.

Mr. V.P. Malvankar, AGP, 'A' Panel for the Respondent No.3.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 27th JANUARY, 2017

PC.

1 Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent No.1. At the outset, we may make it clear that we have not gone into the question whether the first respondent is a State within the meaning of Article 12 of the Constitution of India.

2 The grievance made by the petitioner in this Petition who is a Table Tennis player is as regards the failure of the first respondent to

select her in Maharashtra State Table Tennis Team in the Women category to participate in the 78th Senior National and Inter-State Table Tennis Championship to be held with effect from 31st January, 2017. The reason for non-selection of the petitioner is her failure to participate in 47th Inter District and 78th Maharashtra State Championship held by the first respondent in October, 2016.

3 The submission of the learned counsel appearing for the petitioner is that at present the petitioner is ranked second in the State. He submitted that though the first respondent Maharashtra State Table Tennis Association was fully aware that South Zone National Level Table Tennis Tournament was scheduled to be held between 20th October, 2016 to 24th October, 2016 at Visakhapatnam, the 47th Inter District and 27th Maharashtra Table Tennis Championship was scheduled with effect from 17th October, 2016 at Pune. He pointed out that the petitioner has given reasons as to why she gave a preference to participate in the South Zone National Level Table Tennis Tournament. He submitted that the reasons for missing the State Level Tournament held IN October, 2016 were informed to the first respondent. He submitted that the petitioner who is ranked second in Maharashtra State Level Women's Category could not have been denied her rightful place in Maharashtra State Level team especially when the players who

are ranked below the petitioner have been selected. He also pointed out that one Shri Ravindra Kotian has been selected in Maharashtra Men's team who did not participate in the Maharashtra State Level Tournament organised by the first respondent. He submitted that only on the ground of technicality that the petitioner who is otherwise entitled to find a place in the State Level team has been denied her place. He did not dispute that the petitioner has secured entry to the National Championship commencing from 31st January, 2017 through other sources.

4 The learned counsel appearing for the first respondent invited our attention to the e-mail dated 3rd October, 2016 sent to the petitioner. He submitted that as long back as on 3rd October, 2016 the petitioner was informed that her participation in the State Championship is mandatory for getting selected as a member of the Maharashtra team. He pointed out that the same communication records that the first respondent has exempted only top 8 players as per the TTFI ranking from participating in the State Championship, 2016. He pointed out that the petitioner was aware that she does not belong to top 8 players as per TTFI rankings and therefore, in October, 2016 the petitioner knew that she will be ineligible for selection in the Maharashtra team.

5 We have given careful consideration to the submissions. It is true that the first respondent could not have scheduled Inter District and State Level Tournament on dates which were clashing with the dates already fixed for South Zone National Ranking Table Tennis Tournament.

6 However, on 3rd October, 2016 before both the Tournaments in October commenced, the petitioner received e-mail from the first respondent which reads thus :-

“Mr. Senhora,

We have received your mail and the entries as requested will be forwarded to MSTTA.

However I may inform you that MSTTA has exempted only the top 8 ranked players as per TTFI ranking from participating in the State Championship 2016.

Further please note that participation in State Championships is Mandatory for getting selected as member of Maharashtra teams.

Regards,
Kamlesh Mehta.”

(underline supplied)

7 Admittedly, as of that day, the petitioner knew that she does not belong to the category of top 8 ranked players as per TTFI ranking as her ranking was 16. Therefore, as on 3rd October, 2016 the

petitioner was put to notice that if she fails to participate in the State Championship, she will not be entitled to selection as a member of the Maharashtra team in the National Championship.

8 It is pointed out by the learned counsel appearing for the first respondent that a player who is ranked first in the State Championship has been denied entry in the Maharashtra team only on the ground of failure to participate in the State Level Tournament.

9 When the petitioner consciously decided not to participate in the State Level Tournament held in October, 2016 she was fully aware that she will not be selected in the Maharashtra team. It is too late in the day now to make a grievance about her non-selection. The petitioner consciously did not participate in the State Level Championship held in October, 2016. As far as Shri Ravindra Kotian is concerned, it is pointed out that he was entitled to exemption as he was one of the top 8 ranked players as per TTFI ranking.

10 Accordingly, we find no merit in the Petition and the same is rejected.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)