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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 5947 OF 2013

Satyajit Mahadeo Chavan ... Petitioner
Vs.
The State of Maharashtra, through
Principal Secretary, Revenue & Forest
Dept. & Ors. ... Respondents

Mr. Vikram N. Walawalkar i/b Gajanan Shinde a/w Sambhaji
Kharatmol, for the Petitioner.

Mr. Sandeep Babar, AGP for the Respondent Nos.1 & 2.

CORAM : R. M. BORDE &
V. M. DESHPANDE, JJ.

DATE : JULY 25, 2018

ORAL JUDGMENT :-

1. Rule. Rule is made returnable forthwith. Learned AGP waives service of notice for Respondent Nos. 1 and 2. By consent of parties, petition is taken up for final hearing.

2. The Petitioner is objecting to the communication issued by the Assistant Director, Sports and Youth Services, Maharashtra State Pune, refusing to certify verification of the

merit certificate issued in favour of the Petitioner in respect of participation at the State level tournaments organised by the Ball Badminton Federation of India during the period 8th May, 2011 to 11th May, 2011. The Assistant Director refused to issue the verification certificate on the ground that the Association which conducted the tournaments is not recognised by the Indian Olympic Association. In the affidavit-in-reply, presented on behalf of Respondent Nos. 1 and 2 by the Dy. Director of Sports and Youth Services, Mumbai Division, it is stated that the the date on which the tournaments were held on 8.5.2011, Ball Badminton Federation of India was not member of Indian Olympic Association. It is further recorded that the Government of India has passed an order, granting recognition to Ball Badminton Federation of India on 18.4.2012 for promoting he ball badminton sport in the country, the same cannot be construed as applicable to the tournaments held prior to the aforesaid date.

3. It is thus, contended that since the date on which

tournaments were organised the Ball Badminton Federation of India was not recognised or was not affiliated to the Indian Olympic Association, the certificate as requested by the Petitioner cannot be issued. The stand taken by the Respondent appears to be erroneous and without verification of relevant record referable to the issues raised in the matter. The counsel for the Petitioner has invited our attention to a communication issued by the Indian Olympic Association on 20th January, 2005, reference of which finds place in the order passed by the Division Bench at Aurangabad on 12th March, 2012 in Writ Petition No. 5556 of 2011, that the Indian Olympic Association has certified that Ball Badminton Federation of India recognised by IOA is the one headed by one Mrs. Priya Sinha as its President and Mr. A. S. Naqvi as its General Secretary. It is informed that the affiliation granted earlier in the year 2005 by the Indian Olympic Association was in force upto 11th July, 2011. The Indian Olympic Association under the communication referred to above has informed that as per the

amended constitution, the National Sports Federation and Sports Associations (List at Annexure 'A') which are affiliated with the Indian Olympic Association will only be its member and none else. It thus, appears that the Association in question i.e. Ball Badminton Federation of India continues to be affiliated to the Indian Olympic Association from 2005 till 2011.

4. The Petitioner places reliance on the Government Resolution dated 19th January, 2017 for clarifying that the Sports Associations which were affiliated to the Indian Olympic Association and whose affiliations can be said to have been withdrawn in view of the decision taken by the Indian Olympic Association on 11.2.2011, shall be deemed eligible to organise the sports events upto 31st December, 2013 and the participants in such sport events organised by such Sports Associations whose affiliation have been withdrawn by the Indian Olympic Association shall be eligible to secure the benefits of reservation provided under the policy prescribed by the State. In view of the decision taken by the State Government as referred to above,

since the Indian Ball Badminton Federation of India did organise sports events in 2011 wherein Petitioner participated shall have to be considered as eligible to secure the benefits in terms of the policy decision taken by the Indian Olympic Association, in view of the fact that the said sports association was affiliated earlier to the Indian Olympic Association and said affiliation has been terminated in view of decision dated 11.2.2011.

5. The Petitioner also placed reliance on the judgment delivered by this Court at Aurangabad in Writ Petition No. 5556 of 2011 dated 12th March, 2012 in identical circumstances. Placing reliance on communication dated 20th January, 2005 issued by the Indian Olympic Association, the Division Bench proceeded to direct quashment of the decision taken by the respondent therein of refusing to verify the certificate. For the reasons recorded in the judgment as referred above, and in view of the Government Resolution dated 19th January, 2017, the Petitioner shall be deemed eligible to secure the benefits of reservation under the policy prescribed by the State.

Consequently, the decision taken by the Assistant Director of Sports and Youth Services, Maharashtra State, Pune deserves to be quashed and set aside and concerned authority is directed to verify the certificate issued to the Petitioner and issue necessary certification as expeditiously as possible, preferably within eight weeks from today. Needless to record that Petitioner shall be deemed eligible to secure the benefits available to him as per the policy prescribed by the State. Rule is made absolute in the aforesaid terms with no order as to costs.

Sd/-
[V. M. DESHPANDE, J.]

Sd/-
[R. M. BORDE, J.]

Vinayak Halemath