

\$~41

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

+ **W.P.(C) 6428/2018**

ANIL KUMAR

..... Petitioner

Through Petitioner in person.

versus

UNION OF INDIA & ORS

..... Respondents

Through Mr Sanjeev Sabharwal, Advocate

Sr. Govt. Counsel for UOI with Mr Hem Kumar,
Advocate for R1.

Mr Anil Grover, Ms Noopur Singhal,
Advocate for R2/SAI.

Mr Parth Gowami, Mr Vansh Manchanda,
Advocate for R3.

Mr Sanjeev Sabharwal, UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% 09.07.2018

1. The petitioner has filed the present petition, *inter alia*, impugning a communication dated 22.02.2018 passed by the respondent no.3, whereby the petitioner's request for permission to continue his training in Hungry has been declined. The only reason indicated in the e-mail dated 22.02.2018 is that the respondent no.3 is of the view that the petitioner would not be able to achieve his proposed goals on account of his age.
2. The petitioner is currently aged 43 years and expects to represent India in the Olympic Games to be held in Tokyo in the year 2020. The petitioner has also referred to examples of various athletes who have given their best performances at an age of above 40.
3. The learned counsel appearing for the respondent no.3 does not

dispute the examples given by the petitioner. He further states that the respondent no.3 has no objection to the petitioner continuing his training provided the same is not at the cost of respondent no.3. He further submits that respondent no.3 has apprehensions whether the petitioner would be able to achieve the performance as aspired for by him.

4. The petitioner is an accomplished athlete in the track and field event of discus throw. Since, it is not disputed that there are several athletes who have performed their best in their 40's, it would not be apposite for respondent no.3 to decline the petitioner to continue his training on the ground of his age. The petitioner has also pointed out that he has participated in several events recently. In the circumstances, it would be apposite for respondent no.3 to consider the recent performance of the petitioner and take an informed view whether the petitioner should be allowed to continue with his training.

5. The petition is, accordingly, disposed of by directing the respondent no.3 to reconsider the petitioner's request keeping in view not only his age but also his performance and other relevant factors, which respondent no. 3 may consider necessary. The respondent shall communicate its decision to the petitioner within a period of eight weeks from today.

6. The petition is disposed of in the above terms.

VIBHU BAKHRU, J

JULY 09, 2018

pkv