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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8540/2018**
ANIL CHAMADIA

..... Petitioner

Through: Dr. Amit George, Adv. with Mr.
Kuldeep Rai, mr. Jawad Tarik & Mr.
Rishabh Dheer, Adv.

versus

UNION OF INDIA & ORS

..... Respondent

Through: Mr. Sanjiv Saxena, Adv. with
Mr. R. Mishra, Mr. Mukesh Tiwari,
Mr. Ramneek Mishra & Mr.
Abhishek Rana, Adv. for R-2
Mr. Rakesh Kumar Singh, Adv. for
R-4

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **14.08.2018**

1. The present petition has been filed by the petitioner with the following prayers:-

“In the premises aforesaid, it is most humbly and respectfully prayed that this Hon’ble Court may be pleased:-

i. To issue a writ in the nature of mandamus directing the Respondent No.4 not to participate in the 2018 Asian Games to be held at Jakarta and Palembang in Indonesia to be organized from 18th August 2018 as a part of the Indian

Athletes; and

ii. To issue a writ in the nature of mandamus directing the Respondent no.2 to recall its decision of naming the Respondent no.4 as the Chef de Mission or the squadron leader of the team of Indian athletes for the 2018 Asian Games to be held at Jakarta and Palembang in Indonesia; and

iii. To pass any writ, order or direction that this Hon'ble Court may deem fit in the facts and circumstances of the present case."

2. It is the case of the petitioner and contended by Dr. Amit George that the grievance of the petitioner in this petition is the nomination of respondent No.4 as *Chef de Mission* for the upcoming Asian Games to be held at Jakarta and Palembang in Indonesia from August 18, 2018 despite several cases involving various serious criminal offences are pending against him due to which his participation and role of heading the squad of Indian Athletes is highly unsuitable and against the interest of the Country in light of the high level of ethical integrity expected to be maintained as per the fundamental principles of olympism.

3. On a specific query from the Court whether there is any statutory bar or bar under any provisions of the Constitution, that a person having criminal case(s) against him cannot be nominated as *Chef de Mission*, the answer was in the negative. In fact, Dr. George had relied upon a judgment

of this Court in the case of ***Rahul Mehra v. Union of India W.P.(C) No. 195/2010 decided on July 25, 2012*** to contend that the case of the petitioner is covered by the said case as in the said case, this Court had barred the concerned respondent therein, who was facing serious charges of corruption, from travelling abroad till a particular date. He has taken us through various paragraphs of the judgment in support of his contention.

4. Suffice to state, in the absence of any statutory bar or bar under the provisions of the Constitution, the present petition filed by the petitioner only on the ground that criminal case(s) initiated in the year 1992/1993, cannot be a ground to interfere with the nomination of the respondent No.4 as *Chef de Mission* as the nomination of a person to head a Contingent is purely an executive decision.

5. That apart, it is noted from the writ petition, knowledge on the aspect of nomination is imputed on a news item appeared in Business Standard newspaper published on July 30, 2018, whereas the petition was filed today i.e August 14, 2018, that too just two days before the Contingent has to leave for Indonesia. It must be stated, the bona fides of the petitioner on this account are doubtful.

6. Insofar as the judgment in the case of ***Rahul Mehra (supra)*** relied

upon by Dr. Goerge is concerned, there the allegations against the concerned respondent were under the Prevention of Corruption Act, immediately preceding his participation in the Olympic games in the year 2012, unlike the case in hand where the allegations are of the year 1992 almost 26 years old. The judgment as relied upon by Dr. George is distinguishable on facts.

7. We do not find any merit in the petition. The same is dismissed. No costs.

THE CHIEF JUSTICE, J

V. KAMESWAR RAO, J

AUGUST 14, 2018/ak