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

+ **W.P.(C) 10337/2018**

**DEVANG TOMAR (MINOR) REP. BY HIS MOTHER AND
NATURAL GUARDIAN MRS. SEEMA RANI** Petitioner

Through **Mr.Sulaiman Md. Khan, Adv. with
Md.Ainul Ansari & Mr.Gaurav
Yadav, Advs.**

versus

UNION OF INDIA AND ORS. Respondents

Through **Mr.P.S. Singh, CGSC with Mr.Rajpal
Sood & Md.Zeenan Ansari, Advs. for
R-1.**

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% 28.09.2018

C.M. No.40328/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. None appears for respondent nos.2 and 3. Although, learned counsel appearing for the petitioner states that advance notice has been served on the said respondents. Since, the relief sought for by the petitioner is urgent and there is not enough time to issue notice and await representation on behalf of respondent nos.2 & 3, this Court considers it apposite to dispose of the present petition at this stage itself.

4. The petitioner has filed the present petition, *inter alia*, praying as under:

- “(i) Issue a Writ of Mandamus or any other appropriate Writ thereby directing the Respondent No. 2 to allow the Petitioner to participate in Yonex-Sunrise All India Sub Junior (U-13) Ranking Badminton Tournament 2018 At Guntur, AP starting 02.10.2018 and further for future tournaments;
- (ii) Issue a Writ, order or direction thereby directing the Respondent No. 2 and 3 to accept the age of the Petitioner as per the medical examination conducted by DDU Hospital, New Delhi;”

5. Mr Khan, the learned counsel appearing for the petitioner submits that the only reason why the petitioner may be denied participation in the Yonex-Sunrise All India Sub Junior (U-13) Ranking Badminton Tournament (hereafter ‘the Tournament’) is on an assumption that his age is not verified. He states that this assumption would be erroneous as the petitioner has already produced his birth certificate which indicates that his date of birth is 12.03.2008. In addition, the petitioner has also produced a medical certificate, which indicates that medical examination had been conducted establishing the petitioner’s age as between 10-12 years. He submits that this test was conducted in conformity with the directions issued by the Delhi Capital Badminton Association to the Medical Officer, Deen Dayal Upadhyay Hospital, Hari Nagar, New Delhi.

6. In view of the above documents, unless the respondents have any concrete material to establish that the petitioner’s age is above thirteen years, he cannot be precluded from participating in the Tournament on a suspicion of being above thirteen years of age.

7. In view of the above, the concerned respondents are directed to examine the said documents (birth certificate as well as the medical report) and unless there is any objection (supported by cogent material) to the same, the concerned respondents shall permit the petitioner to participate in the Tournament in the under-13 category.
8. It is clarified that this Court has not expressed any opinion on any other condition that the petitioner may be required to comply or qualify for participation in the Tournament. And, the aforesaid directions cannot be construed to mean that the petitioner would be admitted to the Tournament, without complying with the other eligibility conditions, if any.
9. The petition is disposed of in the above terms. The pending application is also disposed of.
10. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

SEPTEMBER 28, 2018

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