

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 813 OF 2019

Master Shourya Mukund Joshi,
son of Mukund Sripad Joshi,
aged 15 years, 7 months,
Indian National, r/o. House No.5/90,
Bhavani Prasad, Shantinagar,
Behind Corporation Bank,
Ponda, Goa thorough his father
and natural guardian Mukund Sripad Joshi. Petitioner.

Versus

1. Union of India ,
through Ministry of
Youth Affairs and Sports,
C-Wing, Shastri Bhawan,
New Delhi – 110 001
through Joint Secretary,
2. Sports Authority of India,
Jawaharlal Nehru Stadium
Complex (East Gate),
Lodhi Road, New Delhi – 100 003.
3. State of Goa,
through the Director,
Directorate of Sports and Youth Affairs,
Miramar – 403 001
4. Badminton Association of India,
Head Office at D-6/10,
Vasant Vihar,
New Delhi – 110 057
through Honorary General Secretary
5. Goa Badminton Association,

C/o. Oasis Petrol Pump,
Near Don Bosco High School,
Panaji, Goa.

.... Respondents.

Mr. Vibhav Rajiv Amonkar, Advocate for the Petitioner.

Mr. Mahesh Amonkar, Central Government Standing Counsel for
Respondent No.1.

Mr. S. Redkar, Additional Government Advocate for Respondent
No.3.

Mr. Sushil Diwaker, Centre Incharge, Goa Region SAI, Ponda.

***Coram : M.S. Sonak &
C.V. Bhadang, JJ.***

Date : 26th November, 2019.

P.C. :

Heard Mr. Vibhav Amonkar for the Petitioner, Mr. Mahesh Amonkar, learned Standing Counsel for Respondent No.1 and Mr. Redkar, learned Additional Government Advocate for Respondent No.3.

2. On 24th September, 2019, we made the following order :

“Heard Mr. V. Amonkar, learned counsel for the Petitioner.

2. Mr. D. Pangam, learned Advocate General with Mr. D. Shirodkar, learned Addl. Government Advocate appear for Respondent No.3.

3. The Petitioner, by instituting this petition basically questions the communication dated 26.04.2019 issued by

the Senior Scientific Officer (HPL) of the Sports Authority of India (Respondent No.2). The impugned communication informs the Petitioner that there is discrepancy between his bone age and birth age and on that ground disentitles the Petitioner from participating in "Khelo India Talent Development Programme" an initiative of the Ministry of Youth Affairs and Sports.

4. The impugned communication dated 26.04.2019 itself states that if the Petitioner disagrees with the findings of the Age Verification Report, he may further appeal to the Medical Appellate Board. However, the Petitioner, in paragraph 25 of this petition has made averments that as yet no Medical Appellate Board has been constituted and therefore, the Petitioner, has no other alternate and efficacious remedy, other than institution of the present petition.

5. Accordingly, we issue notice to the Respondent Nos.1, 2, 4 and 5, returnable on 14.10.2019. In addition to the usual mode of service, the Petitioner is permitted to effect private service upon the Respondents and thereafter file affidavit of service.

6. Taking into consideration the averments in the paragraph 25 of this petition, we direct the Respondent Nos.1 and 2 to file an affidavit on or before the returnable date indicating whether the Medical Appellate Board has already been constituted and if not, the timelines within which the same will be constituted.

7. We make it clear that we may not be inclined to grant further adjournment in this matter, since, the matter concerns participation of the Petitioner in a Talent Development Programme and such matters will have to be disposed of expeditiously.

8. All concerned to act on the basis of the authenticated

copy of this order.”

3. In pursuance of the same, Mr. Mahesh Amonkar, learned Central Government Standing Counsel, on the basis of instructions from the officials of the Sports Authority of India who are present in the Court, makes a statement that the Medical Appellate Board has been duly constituted. He points out that the factum of such constitution, has also been uploaded on the website on 6th September, 2019.

4. Mr. Vibhav Amonkar, learned Counsel for the Petitioner states that the Petitioner will now, within a period of one week from today, institute/upload an appeal against the impugned communication dated 26/04/2019.

5. If, such an appeal is indeed instituted/uploaded within a period of 8 days from today, we direct the Medical Appellate Board to consider and dispose of the Petitioner's Appeal, on its own merits and in accordance with law, as expeditiously as possible and in any case, within a period of four weeks from the date of its institution/uploading. The Petitioner to be granted personal hearing by the Medical Appellate Board.

6. Mr. Amonkar, learned Central Government Standing Counsel states that the officials of the Sports Authority of India, who

are present in the Court, will communicate this order to the Medical Appellate Board.

7. We clarify that in case the Petitioner is not satisfied with the order of the Medical Appellate Board, further remedies available to the Petitioner, are kept intact.

8. The Petition is disposed of in the aforesaid terms. There shall be no order as to costs.

9. All concerned to act on the basis of an authenticated copy of this order.

C.V. Bhadang, J.

M.S. Sonak, J.