

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.27784 OF 2019

ORDER:

The present Writ Petition is filed for issuance of writ of mandamus to declare the State Level Selection of Gymnasts of four candidates under age 10 category (girls) conducted on 30.11.2019 to represent at Gymnastics Federation of India National Gymnastics Competition to be held at Rajasthan from 25.12.2019 to 29.12.2019 as with bias and favoritism and involving unfair and bias judgments and in contravention of the guidelines of GFI National Gymnastics Federation of India Gymnastics Association, with a consequential direction to 3rd respondent to conduct reselection.

Heard Sri P. Vishnuvardhana Reddy, learned Counsel for the petitioner, learned Government Pleader for respondent No.1, Sri D. Pochaiah, learned Standing Counsel for respondent No.2 and Smt. D. Padmavathi, learned counsel representing respondent Nos.3 to 7.

As directed by this Court, Learned Counsel representing respondent Nos.3 to 7 placed before this Court, the documents relating to the selection process and the record relating to list of selectors.

Learned Counsel for the petitioner by drawing attention of this Court to the condition No.3 of GFI National

Gymnastics Association submits viz., All the judges will be required to be 13th Cycle International/National Brevet holder submits that as per the said condition, the judges who are selecting the candidates are required to be 13th Cycle International/National Brevet holders, while in the list of judges who have taken part in the selection, only the first candidate is duly qualified and other three candidates are not qualified and thus the entire process is vitiated.

On the other hand, learned Counsel representing the 3rd respondent would submit that the said criteria specified is applicable in relation to the judges who would be part of National event that is to be held from 25.12.2019 to 29.12.2019 in Rajasthan and the same would not be applicable for the selection process at the State Level, whereat the selection of candidates/participants on behalf of the State would be undertaken, who in turn would take part in the National event to be held from 25.12.2019 in Rajasthan.

Learned Counsel for respondents also draws attention of this Court to the individual points secured by each of the candidate and submits that the entire selection process consist of two exercises viz., floor exercise and Beam exercise. Based on the marks that are awarded to each of the candidate in the respective exercises, overall score is arrived at and based on the said overall score, ranking has been given. The learned Counsel for the respondents submits that

the selection of four candidates have been made on the basis of overall score secured in the two exercises, to represent at the National Level.

The learned Counsel for R-3 to R-7, further submits that though the petitioner secured good marks in the floor exercise, however did not perform well in Beam exercise, as a result of which the overall score of the petitioner has gone down and the petitioner stood at 6th position. The learned Counsel also submitted that the performances of the participants have also been recorded and produced C.D copies before this Court.

In so far as criterion of judges, who are to be on board for selection, a cursory look at the condition No.3 of GFI National Gymnastics Association, is applicable in relation to National Event, and not for selection process of participants to be undertaken by the state units take part in the National Event as rightly submitted by the learned counsel for respondent. Thus, the submission of the learned Counsel for the petitioner that only one out of four judges having the prescribed qualification and thus the selection process is vitiated does not merit consideration.

Further, having regard to the submissions made and perusing the material placed before this Court including the participant-wise marks secured in the two exercises, this

Court is of the view that no fault can be found with the selection process of participants as alleged and no interference by this Court is called for and accordingly, the Writ Petition is liable to be rejected.

Since, the petitioner who is an young kid of nine years may not by herself, be aware of the consequences of approaching this Court nor hold anything against the selectors or the other selected participants, but it is the perception of the parents as to the capabilities of their child and their anxiety to see their child being selected, as we are all living in a society where such achievements would bring accolades to the parents could be the reason for the petitioner approaching this Court through her natural guardian and for the said reason, it is expected of the authorities not to bear anything against the petitioner who has a bright future ahead and resort to any discrimination against the petitioner in the future events that may be held/conducted by the association. This Court is of the view that the authorities concerned shall act in good faith and in the interest of the game and nothing should be held against the petitioner for having approached this Court.

Subject to the above observation, the Writ Petition is without merit and is, accordingly, dismissed. No order as to costs.

As a sequel thereto, the miscellaneous petitions pending, if any, shall stand closed.

T. VINOD KUMAR, J

Date: 20.12.2019.

MRKR

