

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-2384-2019 (O&M)
Date of Decision: 04.09.2019

Ranjit Bajaj & others

--Petitioners

Versus

Chandigarh Administration & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Amitabh Tiwari, Advocate for the petitioners.

Mr. Suman Jain, Advocate with
Mr. Sourabh Goel, Advocate for respondents.

TEJINDER SINGH DHINDSA.J (Oral)

Challenge in the instant petition is to the order dated 4.12.2018 passed by the Chandigarh Administration Sports Department and in terms of which the petitioner Football Academy has been debarred for a period of 3 years to participate in the Administrator's Challenge Cup All India Football Tournament (under 17 boys).

Perusal of the impugned order would reveal that the decision has been taken on the sole basis that a player of the petitioner Football Academy namely Mr. St.Thungboi was having two Aadhar Cards carrying different dates of birth.

It is the contention raised by counsel for petitioners that the Tournament in question i.e. the 16th Administrator's Cup (under-17 Boys) was governed by regulations appended as Annexure P-2 and Article 4 thereof defined eligibility of players and mandated that a player should have been born on or after 1.1.2002.

Subsequent to filing of the instant writ petition, CM-2051-2019 was filed and in terms thereof documents at Annexures A-1 and A-2 were taken on record. Subsequently yet another application i.e. CM-5098-2019

was filed placing on record documents at Annexures A-3 and A-4.

Counsel for the petitioners has relied upon the Birth Certificate issued by the Govt. of Manipur, Department of Health (Annexure A-2 colly) carrying date of registration as 19.1.2018 but reflecting the date of birth of the player in question as 9.2.2003. Similar date of birth is even carried in the Aadhar Card placed on record at Annexure A-2 (colly).

Per contra, learned counsel representing the respondents has adverted to yet another set of documents at Annexures A-1 to A-4 also placed on record by the petitioners to contend that there seems to be an ambiguity as regards the date of birth.

Be that as it may, counsel for the respondents on a pointed query has conceded that prior to passing of the impugned order the rules of natural justice had not been adhered to inasmuch as no notice had been issued to the petitioners and thereby having denied to them the opportunity of placing reliance on documents to demonstrate that the player in question had been born on or after 1.1.2002.

On such short ground alone the impugned order cannot sustain.

At this stage, learned counsel representing the respondents seeks liberty from this Court to initiate *de novo* proceedings/inquiry with regard to the eligibility of the player i.e. Mr. St. Thungboi to have participated in the Tournament in question i.e. the 16th Administrator's Cup (under-17 Boys), 2018 and which was the genesis of passing the impugned order and whereby the petitioner Football Academy had been debarred for a period of 3 years.

Prayer made by counsel for respondents is found to be just and reasonable. Such submission is not even opposed by counsel for petitioners.

For the reasons recorded above, instant petition is allowed.

Order dated 4.12.2018 (Annexure P-1) is set aside.

Suffice it to observe that it would be open for the respondents Chandigarh Administration, Sports Department to have a re-look in the matter and to take recourse in accordance with law.

Writ petition is allowed in the aforesaid terms.

(TEJINDER SINGH DHINDSA)
JUDGE

04.09.2019

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No