

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-37494-2019

Date of Decision: 26.12.2019

Priyanka

.. Petitioner

Vs.

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Krishan Singh, Advocate for the petitioner.

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Manoj Bajaj, J.

Petitioner has filed this writ petition under Article 226 Constitution of India to challenge the decision dated 16.12.2019 (Annexure P-8), whereby respondent No.2 proceeded to cancel the trial of the petitioner and another probable, namely Kusum for selection and participation in National Level Wrestling Tournament scheduled to commence from 28.12.2019. The petitioner belongs to the category of under 19 girls (59 kgs).

Learned counsel for the petitioner contends that the petitioner is more meritorious than respondent No.6 (Kusum), who has been selected for participation in the above mentioned National Level Wrestling Tournament. He submits that in fact the trial took place on 17th September, 2019 and the petitioner had earned two points in comparison to her opponent Kusum, who got only one point. He submits that the video recording of the said trial shows the petitioner in blue costume and Kusum in red costume. Further, attention of the Court was drawn to the representation given by the father of the petitioner to the Director Secondary Education Haryana, Panchkula on

20.09.2019, wherein he requested for retrial. He has referred to the CM Window (A.T.R.) Form (Annexure P-4) to contend that as per the inquiry dated 19.10.2019, the wrestler wearing red costume had got one point, whereas the wrestler in the blue costume (petitioner) got two points. He submits that the trial between two contestants was fixed for 17.12.2019 at 9:00 A.M., however, abruptly, the same has been cancelled vide impugned communication dated 16.12.2019. According to him, the action is patently wrong, illegal and warrants interference by this Court.

Except for the above arguments, no other point was raised.

After hearing the learned counsel for the petitioner, this Court finds that the tournament is scheduled to commence w.e.f. 28.12.2019 and only a day is left in between. It may be noticed here that the Director, Secondary Education, Haryana had instructed the District Education Officer, Sonapat to conduct the trial bout between Kusum and Priyanka prior to the commencement of the training camp so that a suitable candidate be selected.

This Court finds that the difference between the two players is extremely narrow, as according to learned counsel for the petitioner, the petitioner was separated only by one point. It is also evident from the communication dated 12.12.2019 (Annexure P-7) that the training camp was to commence from 18.12.2019 and, therefore, it may not be a stage for holding the fresh trial for selection between the two contestants. It is needless to observe that in any sport, the mental strength is equally important as a player cannot achieve the goal only on the basis of physical strength. Be it the petitioner or respondent No.6, the fresh trial would have adversely affected the mental state of participating player and the petitioner if allowed to participate would not be able to join the training camp,

therefore, this Court is not inclined to invoke the extraordinary writ jurisdiction.

The petition is dismissed.

26.12.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No