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

+ W.P.(C) 8832/2017

MUKESH YADAV

..... Petitioner

Through: Mr Sulaiman Mohd. Khan and Mr
Ashish Choudhury, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Manish Mohan, CGSC with Ms
Manisha Saroha, Advocate for UOI.
Ms Rajdipa Behura, SPP for CBI/R-3
with Ms Kriti Handa and Ms Neha
Lingwal, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **01.05.2019**

CM No. 36046/2017

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 8832/2017 and CM No. 36045/2017

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

- “i) Issue a writ of Mandamus or any other writ or order or direction thereby directing the Respondent No. 1 & 2 to withdraw the email dated 25.09.2017 and allow the petitioner's son to continue in training camp and further participate as a member of Indian Junior Team for forthcoming championship and further for future tournaments;
- ii) Quash the findings dated 30.09.2016 of the respondent no.3;

iii) Quash the decision as communicated through email dated 25.09.2017 issued by the respondent no.2;”

4. By an email dated 25.09.2017, the petitioner was informed that his son could not participate in the forthcoming championship on account of the allegation that his age had been incorrectly represented. It was also pointed out that an inquiry had been conducted by the CBI and the preliminary finding indicated that certificates issued by the petitioner were forged.

5. The petitioner is also aggrieved by the preliminary report dated 30.09.2016 issued by the CBI calling upon respondent no.2 (the Badminton Association of India – BAI) to take appropriate action against certain players, including the petitioner’s son.

6. Insofar as the challenge to the communication dated 25.09.2017 is concerned, the same is rendered academic. Admittedly, the petitioner’s son was permitted to participate in the championship in question and, therefore, the petitioner’s grievance in that regard does not survive.

7. Insofar as the findings recorded in the CBI’s letter dated 30.09.2016 are concerned, it is apparent that the same are only findings of a preliminary inquiry.

8. Ms Behura, the learned counsel appearing for respondent no.3 (CBI) also points out that the said preliminary inquiry is not fructified in institution of a Regular Case (RC). The learned counsel appearing for the petitioner has also drawn the attention of this Court to an order dated 18.07.2016 passed by this Court in **W.P.(C) 5704/2016** captioned **Issac Paul v. State and Ors.**, wherein it was contended by BAI that under the Badminton

Association of India Age Verification programme, a Bone Test was conducted in respect of all players on 25.02.2014 including the petitioner's son (arrayed as respondent no.3 therein).

9. In view of the above, it is not necessary for this Court to examine the merits of the preliminary findings recorded in the communication issued by the CBI. The petitioner is not precluded from contesting the same, in the event any precipitate action is taken by the CBI pursuant to those findings. It is clarified that all contentions of the parties in this regard are open.

10. The petition is disposed of with the aforesaid observations. The pending applications also stands disposed of.

VIBHU BAKHRU, J

MAY 01, 2019
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