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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 29th September, 2021

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W.P.(C) 10856/2021 & CM APPL. 33486/2021 (Stay)

RAMESH GOPINATHAN

..... Petitioner

Through Petitioner in person.

versus

UNION OF INDIA, MINISTRY
OF SPORT & ORS.

..... Respondents

Through Ms. Monika Arora, Central
Government Standing Counsel with Mr. Shriram
Tiwary, Advocate for UOI.
Mr. Abhigya Kushwah, Advocate for R-3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGMENT

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. Present Public Interest Litigation has been preferred seeking the following reliefs:-

“a. Quash/ cancel/ nullify the notification issued by the Delhi Swimming association under Ref. No.: DSA/JR-SNR/2021 dated 08.09.2021;

b. Direct the Respondent No.3, in consultation with the Respondents 1 and 2 to conduct a viability study to hold the competition in lieu of the COVID-19 pandemic;

c. make provisions for aspirants to practice/ train so as to enable a high standard of competition at the events;

d. Pass any such order as this Hon'ble Court may feel fit and proper in the facts and circumstances of the case.”

2. We have heard the Petitioner in person and learned counsel appearing on behalf of the Respondents.

3. Present petition has been filed against the Notification dated 08.09.2021, issued by Delhi Swimming Association in respect of 56th Delhi State Open and Age-Group Swimming Competition-2021. It is contended by the Petitioner that the Notification has been issued in a hasty manner, which is evident from the timelines for last date of entry being 17.09.2021 while the events for the Competition are scheduled between 22.09.2021 and 26.09.2021. It is also contended that Pandemic Covid-19 had greatly impeded swimming practice for general public, for greater part of last one and a half years. Conscious of the fact that most people intending to take part in the Competition have not been able to practice, the Competition should have been deferred by the concerned Authority. Petitioner also contends that the Competition has been notified by Respondent No. 3 solely to obtain the grant of Rs. 1.5 Crores from the Government. A further argument is made that the results of the said Competition will be used for selection of the Delhi Team for forthcoming 74th Senior National, 47th Junior National and 37th Sub-Junior National Aquatic Championship and, therefore, a grave prejudice is caused to those who have not been able to practice due to Covid-19. It is also the contention that a select few National Level Champions were able to practice and would have an edge over those who had been unable to practice in the last several months.

4. Learned counsels for the Respondents, *per contra*, submit that the

contention of the Petitioner that for the last few months only a select few have been permitted to practice for the Swimming Championship scheduled from 22.09.2021, is misconceived as from April 2021, there has been no restriction and anyone who desired to practice, was permitted to do so. It is also submitted that the last date of the Competition was 26.09.2021 and in any event, the present petition seeking quashing of the Notification, has become infructuous.

5. We see no reason to disbelieve the stand of the Respondents that since April, 2021, there has been no restriction on practicing for the Swimming Competition scheduled between the dates aforementioned, in the absence of anything to the contrary placed on record by the Petitioner. Mere averments or allegations cannot lead this Court to conclude in favour of the Petitioner. In any case, the challenge in the petition is to a Notification dated 08.09.2021 whereby dates for 56th Delhi State Open and Junior Championship were 22nd to 24th September, 2021 while for the Sub-Junior Championship, the dates were 25th and 26th September, 2021, which are over and the events have already taken place. Learned counsels for the Respondents are thus right in their contention that the petition has become infructuous. Once the Championships are over, the clock cannot be set back at this stage, more particularly, in view of the fact that no evidence has been put forth by the Petitioner to support his averments.

6. In view of the above, we see no reason to entertain this writ petition. The same is accordingly dismissed along with the pending application, with costs of Rs.10,000/- to be deposited by the Petitioner with the Delhi State Legal Service Authority within eight weeks from today. The aforesaid amount shall be utilized for the programme 'Access to Justice'.

7. A copy of the order be sent forthwith to the Member Secretary, Delhi State Legal Services Authority, Patiala House Courts, New Delhi.

CHIEF JUSTICE

JYOTI SINGH, J

SEPTEMBER 29, 2021

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