

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8435 OF 2022
(PRATHAMESH S/O PRAKASH KULKARNI VS. UNION OF INDIA AND
ANOTHER)

Mr.Amol Joshi a/w Mr.Sanket A.Jadhav, Advocate for the petitioner.
Mr.A.G.Talhar, ASGI for Union of India/respondent.

(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)

DATE : AUGUST 15, 2022

PER COURT :

1. A special hearing of this matter was scheduled today pursuant to our order dated 12.08.2022. We were conscious of the fact that the petitioner could be included in the list of participants in the India Junior International Grand Prix-2022 upto 5.00 pm. today.

2. The learned ASGI has placed on record a draft affidavit in reply. Due to holidays and on account of paucity of time, the affidavit is not sworn before the Oath Administering Officer. An exemption is sought. Considering the peculiar facts of this case, we grant such exemption as a statement has been made by the learned ASGI.

3. The learned ASGI points out from paragraph No.10 that respondent No.2 has corrected the entry of the petitioner Prathamesh Kulkarni (BWF ID-88748). His date of birth which is 22.02.2004 and his gender which is “Male”, has also been correctly entered.

4. The issue is that there are 2 tournaments, of a promotional nature, as per the learned ASGI. The first tournament would commence on 30.08.2022 and conclude on 04.09.2022, at Pune. The second tournament would commence on 13.09.2022 and conclude on 18.09.2022, at Nagpur. The petitioner’s application is admittedly prior to the last date for tendering applications online, which is 02.08.2022, applicable to both the events. It is equally undisputed that the contents of the petitioner’s form with regard to his details, are correctly mentioned. To be more specific, his name, his date of birth, his gender and his ranking, have been rightly uploaded in the form.

5. The mistake occurred at the end of respondent No.2, by clearing the form of the petitioner as being eligible, albeit, from the female category. The petitioner immediately contacted the concerned authority/official namely Miss. Anupama, BAIentryINT on 26.07.2022 at 9.44 a.m. by e-mail, requesting to correct his gender to ‘male’. The

BAI, i.e. respondent No.2 immediately reacted and corrected his BWF ID. Having received this information, the petitioner once again addressed Miss. Anupama expressing his gratitude for correcting the BWF ID and for sending the entry within time for the tournament. He once again requested for a correction in his gender. This entry was made at 12.17 p.m. July 26, 2022. Miss. Anupama reacted quickly vide her e-mail timed as 3.10 p.m. dated July 26, 2022 and declared “*rectified, check now*”. The petitioner then realized that his date of birth is mentioned as 25/2/2004. Miss. Anupama informed the petitioner that his ID would be “*IndiaPrathamesh KULKARNI(70558)Male2/25/2004*” on 02.08.2022. The petitioner again contacted Miss. Anupama to correct his day of birth as 22 as it is wrongly typed as 25. On the same day at 1.09 p.m., Miss. Anupama informed the father of the petitioner as “*rectified, check now*”.

6. After 02.08.2022, when the petitioner checked his entry on 11.08.2022 at 3.13 p.m., his name was deleted from the ‘female’ list. However, his name was not entered in the ‘male’ list. The father of the petitioner, therefore, addressed a detailed e-mail to Mr. Sanjay Mishra on 09.08.2022 at 7.54 p.m. questioning the creation of a fresh BWF ID on 02.08.2022. On 11.08.2022 at 10.10 a.m., the petitioner’s father

again addressed Mr.Sanjay Mishra that his entry did not go through. He was put in the women's category. Instead of correction, it was not included in the men's list, since the entry was not received. He clarified that he did not desire to blame anybody, but to rectify the situation, he prayed for a Wild Card Quota.

7. It is thus obvious and we are convinced that the petitioner's form was perfectly in order which was uploaded online, well before the deadline of 02.08.2022. Due to the bungling of respondent No.2, the petitioner's name is not in the list of qualified male players for the Pune event though he is not to be faulted. Repeated mistakes committed by respondent No.2 led to the said error and now the application of the petitioner is being treated to have been withdrawn and there being no application within the time limit up to 02.08.2022.

8. It is clear that the petitioner cannot be faulted. At the same time, we find that there are two more associations namely the Bandminton Association of Asia and the Badminton World Federation. As such, though we conclude that the petitioner has never withdrawn his entry and that his entry was uploaded within the prescribed period and that the petitioner would be entitled to play at Pune, however, subject to the

rules of Badminton Asia and BWF, being applicable. For the sake of clarity, we hold that if there is no impediment, the petitioner would be entitled to play at Pune from 30.08.2022, by giving him a Wild Card entry, if permissible. However, this would be subject to the policies or guidelines of Badminton Asia / BWF.

9. In the event the petitioner misses the Pune Tournament, the statement made in paragraph No.10 of the affidavit in reply filed on behalf of respondent No.2 that his entry would be forwarded to participate in the India Maharashtra International Challenge, 2022 from 13.09.2022 to 18.09.2022 at Nagpur by virtue of the confirmation at Annexure R-1 (page 67), would enable the petitioner to play at Nagpur. We record that there shall be no further mistake by respondent No.2 with regard to the petitioner and in view of the statement in paragraph No.10, the petitioner would be held eligible to play at Nagpur.

10. In view of the above, this petition is disposed off.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)