

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8684 OF 2022

Taekwondo Association of Maharashtra through ...Petitioner
its General Secretary
Versus
The State of Maharashtra & Ors ...Respondents

Mr Sushant S Prabhune, for the Petitioner.
Mr KS Thorat, AGP, for the Respondent-State.
Mr Ajinkya Udane, with Ganesh Gadhe, for the Respondent No. 2.
Mr Vinod Sangivkar, for the Respondent No.6.

CORAM G.S. Patel &
S.G. Dige, JJ.
DATED: 10th January 2023

PC:-

1. The Writ Petition seeks the following reliefs:

A. That by an appropriate Writ, Order and direction may be issued by this Hon'ble Court to declare illegal and cancel the affiliation granted to Respondent nos. 5 and 6 by Respondent no.2 as the State Taekwondo Sports Association and further directing the Respondent no.2 to grant the affiliation to the Petitioner (Taekwondo Association of Maharashtra- Milind Pathare, Secretary) as per the Government Resolutions dated 20/12/2018 and 25/1/2019 issued by the School Education and Sports Department, Maharashtra;

B. That by an appropriate Writ, Order and direction may be issued by this Hon'ble Court to declare illegal and cancel the affiliation granted to Respondent nos. 5 and 6 by Respondent no.3 as the State Taekwondo Sports Association and further directing the Respondent no.3 to grant the affiliation to the Petitioner (Taekwondo Association of Maharashtra - Milind Pathare, Secretary) as per the Government Resolutions dated 20/12/2018 and 25/1/2019 issued by the School Education and Sports Department, Maharashtra;

2. Respondents Nos. 5 and 6 (Zodage and Ombasse) are joined as individuals. They have not themselves in their individual capacity been granted affiliation. They are office bearers of the Taekwondo Association of Maharashtra. This is recognized by the Maharashtra Olympic Association (page 198). The 7th Respondent was added by amendment after we insisted. He is an individual against whom serious allegations are made in the Petition. It is alleged that he set up the 4th Respondent, *India Taekwondo*. That was, according to Mr Prabhune for the Petitioner, an ad-hoc arrangement and India Taekwondo/Shirgaonkar was/were supposed only to conduct elections to the Taekwondo Federation of India ("TFI") and nothing else. This may be a contentious submission and cannot be said to be undisputed. It is merely the Petitioner's understanding.

3. It is then alleged that Shirgaonkar through India Taekwondo set up several State Associations and got them affiliated or registered with the Maharashtra Olympic Association.

4. The Petitioner has described itself as the Taekwondo Association of Maharashtra through its General Secretary one Milind Pathare. It refers to itself throughout the Petition as “**TAM (Milind Pathare)**”. Significantly, the Taekwondo Association of Maharashtra, of which Respondents Nos. 5 and 6 are office bearers, and although it is a registered body, has not been joined to this Petition, although there are allegations about its constitution and affiliations. Neither has the Taekwondo Federation of India, although assertions are made about which body it has recognized, etc.

5. It is also pointed out by the 3rd Respondent that the Maharashtra Olympic Association (the 3rd Respondent) under its constitution has a provision for settlement of disputes and conflicts in Sports and Games Associations. One such dispute was raised by the Petitioner. This was decided on 28th February 2021 expressly recognizing the Taekwondo Association of Maharashtra of which Zodage and Ombasse are office bearers. That decision of the Maharashtra Olympic Association is not challenged in this Writ Petition.

6. Shirgaonkar is said to be the Secretary of the Maharashtra Olympic Association and therefore that Association is also sought to be tainted. But the Maharashtra Olympic Association is a body with duly elected members. Presently, instructions have been received from Mr Pradeep Gandhe, Vice President of Maharashtra Olympics Association and the President of the Disputes Committee.

7. We are repeatedly asked to infer, conjecture or surmise from the allegations made against Shirgaonkar various kinds of illegality and wrongdoing, and, from findings supposedly rendered against him, to hold that everything that he did is also tainted, illegal and somehow, therefore, creates enforceable rights in favour of the Petitioner. The disconnect in this reasoning is obvious. It is not demonstrated that the establishment of the Taekwondo Association of Maharashtra of which Zodge and Ombase are office bearers is illegal. It is not shown that the recognition by the Maharashtra Olympic Association of that Association is in any way illegal or warrants interference. It is difficult to see what is the legally enforceable right that is being canvassed by the Petitioner under Article 226 or under Part III of the Constitution of India. The Petitioner may well have civil remedies. Those are not our concerns. The various grievances raised by the Petitioner before us were also agitated before the Maharashtra Olympic Association and were negated in the decision referred to above of 28th February 2021. That has gone without challenge.

8. Effectively what the Petitioner seeks is nothing other than a decree as to declaration of status, namely that it is the Petitioner that is entitled to be recognized as the Taekwondo Association of Maharashtra and is entitled to affiliation with the Maharashtra Olympic Association. We are not shown that there is any public duty that has been violated or that there has been any infringement of any fundamental rights. It is not shown that any actions of the Maharashtra Olympic Association or the 2nd Respondent Directorate of Sports and Youth Affairs are arbitrary or *ultra vires* Article 14.

9. What is really being canvassed is a relief in a suit for declaration, permanent injunction and possibly damages. It is not possible to accede to such a request.

10. The Writ Petition is rejected. No costs.

(S.G. Dige, J)

(G. S. Patel, J)