



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2053/2020

(VIDARBHA HOCKEY ASSOCIATION THROUGH ITS ADMINISTRATOR TRILOKI NATH
SIDHRA **VERSUS** HOCKEY INDIA, NEW DELHI & ANOTHER)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri Anand Parchure, counsel for the petitioner.
Shri S.P. Bhandarkar, Advocate with Shri G.S. Singh, counsel for the respondent no.1.
Shri A.M. Sudame, counsel for the respondent no.2.
Shri S.A. Choudhari, counsel for the respondent no.4.
Shri N.D. Khamborkar, counsel for the applicants in C.A.W. No. 1544 of 2024.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : JUNE 20, 2024

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Heard.

2. The challenge in the petition is to the communication dated January 06, 2020 issued by the respondent no.1-Hockey India whereby the membership of the petitioner - Vidarbha Hockey Association (for short, 'petitioner-Association') was deemed to be withdrawn with effect from July 01, 2020 and further instructions are issued to the petitioner to coordinate its sports activities related to Hockey with respective State Units who are the members of the respondent no.1-Hockey India.

3. It is not in dispute that in State of Maharashtra there exists a State Hockey Association i.e. respondent no.2-Hockey Maharashtra, which is an Apex body at State level in relation to Hockey Sports Activity. Shri A.M. Sudame, learned counsel appearing for the respondent no.2 submits that respondent no.2 under its Constitution can consider grant of membership to the various District Associations.

4. As far as the communication impugned is concerned, it is the contention of Shri Anand Parchure, learned counsel for the petitioner that the petitioner-Association is not asking for voting right but the it intends to canvass the interest of the sport persons who are sponsored by the petitioner-Association which represents interest of eleven Associations operational in Vidarbha and two Associations operational in Marathwada.

5. The fact remains that the impugned communication is based on Clause 31.1.3 of the Indian Olympic Association (IOA) Constitution. As far as respondent No.1-Hockey India is concerned, they have adopted and are functioning in accordance with the directives issued by the Indian Olympic Association, which has resulted into issuance of the impugned communication. The impugned communication is based on the policy decision with which this Court cannot interfere in the writ jurisdiction. There cannot be control on the District Associations through the body like the petitioner-Association and also the respondent no.2-State Level Apex body who is recognized by the respondent no.1-National Level Apex body.

Apart from above, it is not brought to our notice that any absolute right is vested in the petitioner-Association to have an independent existence than that of the respondent no.2-State Level Apex Body for the sport of Hockey. The Delhi High Court in *Manjit Singh Versus Sports Authority of India & Another* [2023 SCC OnLine Del 7941], while dealing with the power of judicial review has made following observations in paragraph 12. The same read as under:-

“12. The power of judicial review in the matters relating to sports can be exercised only if there is an allegation of bad faith. In such matters, the courts should give great credence to the decision of the Expert Committee and the coaches. If the courts start interfering in the decision of such Committees it would have a drastic inhibiting effect on its functioning. The scope of power of judicial review was also laid down by the Supreme court in State of U.P. v. Johri Mal [State of U.P. v. Johri Mal, (2004 4 SCC 714)] wherein it was held that the scope and extent of power of the judicial review of the High Court contained in Article 226 of the Constitution of India would vary from case to case, the nature of the order, the relevant statute as also the other relevant factors including the nature of power exercised by the public authorities, namely, whether the power is statutory, quasi-judicial or administrative. It was held that the power of judicial review is not intended to assume a supervisory role or don the robes of omnipresent or to review governance under the rule of law or to enable the courts to step into the areas exclusively reserved by the suprema lex to the other organs of the State. It was expressly observed that an order passed by an administrative authority exercising discretion vested in it, cannot be interfered in judicial review unless it is shown that exercise of discretion itself is perverse or illegal.”

6. Apart from above, it is the contention of the learned counsel for the respondent no.1 that it is the policy decision of the respondent no.1 based on provisions of Constitution of the Indian Olympic Association which is communicated to the petitioner-Association *vide* impugned order thereby dissolving the membership of the petitioner-Association.

7. It is not that in such an eventuality the petitioner-Association will remain remediless. All the District Associations can independently apply to the respondent no.2 - Maharashtra Hockey Association for getting its membership and the interest of the sport-persons who intend to participate in various State, National and International level Hockey events can be protected/represented through the respondent no.2 to the respondent no.1.

8. That being so, we are not inclined to cause interference in the extraordinary writ jurisdiction.

9. Apart from above, the issue of maintainability of the writ petition against the respondent no.1 claiming that the respondent no.1 is not the 'State' within the meaning of Article 12 of the Constitution of India is also raised. However, in view of aforesaid observations we deem it appropriate not to delve on that controversy.

10. The writ petition accordingly stands disposed of.

11. We grant liberty to the petitioner-Association to approach the respondent no.2 for allocation of membership and we further expect that the respondent no.2 shall deal with the same in accordance with its Constitution.

12. Order accordingly. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)