

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-7853-2024

Date of decision: 08.04.2024

MUSKAN (MINOR) THROUGH HER FATHER SATYWAN AND
OTHERS

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Shish Pal Laler, Advocate (Through Video Conferencing),
Mr. Shubham Saroha, Advocate and
Mr. Atul, Advocate
for the petitioners.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the order dated 21.03.2024 and the office order No. 2/2024 dated 26.03.2024 issued by the Basketball Federation of India in relation to the selection trials.

Learned counsel appearing on behalf of the petitioners contends that the petitioners are young sports persons and they are aggrieved of the procedure followed by the respondents in carrying out the selection of the team to represent the State of Haryana in the 38th Youth National Basketball Championship for men and women to be held at Pondicherry from 09.04.2024 to 15.04.2024. It is contended by the counsel for the petitioner that the Basketball Federation conducted the selection trials as per the

communication dated 21.03.2024 and that the petitioners participated in the said selection trials. He contends that only petitioner No.2 could steer through the selection trial, however, she is not in the playing team. It is argued that vide order dated 04.09.2023 passed in ***CWP-19599 of 2023*** titled as ***“Chirag (Minor) through his father Devender and others versus State of Haryana and others”***, the Divisional Commissioner, Hisar had been appointed as the Administrator of the Haryana State Basketball Association. He contends that the selection trials thus could not have been conducted by the Basketball Federation for finalizing the team to represent the Haryana State in the forthcoming National Games. It is also argued that some of the experts were nominated from the Department of Sports and Youth Affairs, however, the said experts did not obtain “No Objection Certificate” from their respective Department before carrying out the selection trials. He thus argues that the selected Team would thus be in violation of the procedure prescribed in law and that the process of selection should be carried out afresh.

I have heard learned counsel appearing on behalf of the petitioner and have gone through the documents appended alongwith the present writ petition.

Certain queries were posed to the counsel for the petitioner as regards maintainability of the instant writ petition, considering the fact that the petitioners had appeared in the selection process and participated in the selection trials. The challenge to the selected team has thus been made after the petitioners failed to succeed in the selection trials and make it to the playing team.

Counsel for the petitioners also could not refer to any communication on the basis whereof it may be inferred that the Administrator had not carried out any communication with the Basketball Federation of India to carry out the selection trials for the team representing the State of Haryana to participate in the 38th Youth National Basketball Championship for men and women to be held at Pondicherry from 09.04.2024 to 15.04.2024. The said question was posed to him since there was a reference to some similar correspondence which had been shown to this Court in a different petition that had been filed earlier. It is evident that the petitioners have not made reference to any communication from the office of the Administrator with the Basketball Federation of India. As such, the above said contention is based merely on the basis of a belief and such belief is not substantiated by any objective information available with the petitioners. Counsel for the petitioners also could not refer to any provision under which the aspect of NOC from the parent Department was necessary for any expert to be appointed by the Basketball Federation of India to oversee the selection trials. A specific question was also posed as to what would be the impact on the team so selected, assuming that such NOC was required and that failure of obtaining NOC would only entail disciplinary proceedings.

Counsel for the petitioner failed to answer satisfactorily as to how the team so selected would be liable to be recalled in a selection trial especially when there is no allegation of malice or mischief against any of the office bearers, Administrator or the Basketball Federation of India.

There is also nothing on record on the basis whereof it can be inferred that the petitioners had in any manner performed better than the

Team that has been shortlisted/selected under the aegis of the Basketball Federation of India to represent the State of Haryana. In the absence of any such allegation or material on record, there can be no presumption that the performance of the petitioners had been better than the players shortlisted by the panel of experts. That the petitioners have also not impleaded the selected team as respondents in the present case and that none of the office bearers or the selection Committee of the Basketball Federation of India or its office bearers have been impleaded as party in person on the basis whereof it may be assumed that there was any malpractice, mischief or dishonest intention in conducting the selection trials. Rather, the conduct of selection trials by the National Sports Federation itself lends credence to selection of such a team as it would imply an impartial selection procedure where the external pressures on a State Association have been obviated. Besides, without impleading the selected team, the petitioners would even otherwise be bad for non-joinder of necessary parties. It is also noticed that the championship is to commence from 09.04.2024 and is to continue till 15.04.2024. The matter has been listed for preliminary hearing before this Court only on 08.04.2024. Any process of initiating any change in the selected team at this stage would have a prejudicial impact on the participating players.

For the foregoing reasons, I do not find any merit in the present writ petition, the same is accordingly dismissed at this stage.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 08, 2024
Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No