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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 13367/2023, CM APPL. 52779/2023**

UGEN GURUNG & ORS.

.....Petitioners

Through: Mr. Radhe Shyam Sharma and
Mr. Tarkeshwar Yadav, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Saurabh Jain and Mr. Prayag
Jain, Advocates for R-5.
Mr. Feroze Ahmad, Advocate for R-
4.
Mr. Sanjeev Mahajan, Mr. Parth
Goswami and Mr. Akshay Kumar,
Advocates for R-3.
Mr. Anil Soni, CGSC with Mr.
Devvrat Yadav, GP with Ms. Ishika
Soni and Ms. Sanchari Banerjee,
Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

28.11.2024

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1. The Petitioners, who are Taekwondo players, had filed the instant writ petition seeking directions to the Respondents to allow them to participate in the 37th National Games, Goa, which was scheduled to be held from 25th October, 2023 onwards. The Petitioners alleged that they were being unreasonably denied the equal opportunity to participate in the said games and the selection of players was not impartial.
2. During the pendency of the petition, in the interest of justice, this



Court issued interim directions, allowing the all the Petitioners to participate in the trials for the 37th National Games, Goa.

3. Counsel for the Respondents point out that despite the relief granted to all the Petitioners, only Petitioner No. 1 participated in the said trials, whereas none of the other Petitioners came forward. Nonetheless, they submit that since the 37th National Games, Goa, have already been held, the relief sought in the present writ petition stands rendered infructuous.

4. On the other hand, counsel for the Petitioner refutes this contention and asserts that prayer ‘c’ of the writ petition still survives. At this stage, it is considered appropriate to reproduce the prayer sought in the present writ petition, which are as follows:

“a. Issue writ, order and/ or direction in the nature of mandamus thereby directing the Respondent No. 1 , 2 and 6 to allow the Petitioners and all other deserving players to participate in the 37th National Games, Goa scheduled to be held from 25th Oct’2023 through impartial approach giving equal opportunity to all deserving players and its events be conducted by an impartial committee until one NSF duly affiliated to World Taekwondo as well as Respondent No.1 & 2 is decided and quash the illegal recognition vide letter vide no. F.No.72- 3/2023-SP-I dated 17.03.2023 of Respondent No.1 granted to Respondent no.5 and illegal affiliation through letter vide no. IOA/I- 23/2023/1323 dated 19.05.2023 of IOA /Respondent No.2 granted to Respondent no.5 which have created confusion and deprivation to the genuine players.

b. Issue writ, order and / or direction in the nature of mandamus thereby directing the Respondent No. 1 , 2 and 6 to not to allow the list of players of Respondent No.5 declared on 16/09/2023 which deprives the genuine deserving players and also not to allow Respondent No.5 to conduct the events in the 37th National Games, Goa as the same is likely to further complicate the issue and lead to chaos and further deprivation of the deserving and genuine players.

c. Issue writ, order and / or direction in the nature of mandamus thereby directing the IOA i.e. Respondent No.2 to abide by the mandates of General Assemblies of IOA / Respondent No.2 dated 22.12.2018 & 30.12.2019 and decisions of the Ethics Commission of IOA dated 08.02.2022 to complete the reinstatement process thereby to achieve good



governance in Taekwondo to save the interest of its players.

d. Issue writ, order and / or direction in the nature of mandamus thereby directing the Respondent No. 1 & 2 to not to affiliate or recognise any National Federation for Taekwondo whose elections are not held in strict compliance of the NSDC'2011 and not eligible as per the IOC Charter.”

5. As can be noticed from the aforementioned prayers, the primary grievance of the Petitioner indeed relates to the 37th National Games, Goa which have already been held and through the interim order, the necessary relief was already granted to the Petitioners to allow them to participate in the trial for the said games.

6. With regard to prayer ‘c’, Mr. Sanjeev Mahajan, counsel for Respondent No. 3 – India Taekwondo has pointed out that the Ethics Commission of the Indian Olympic Association¹, which passed the orders dated 8th February, 2022, has since been dissolved.

7. Further, it is noticed that on an earlier occasion, the Court in W.P.(C) 11674/2019 took note of the fact that there was no recognised National Sports Federation² for the sports of Taekwondo and different bodies were claiming to be the national federation, prejudicing the rights of genuine players to participate and represent the country in international events. Accordingly, on 28th April, 2022, the Court issued directions to Respondent No. 1 and 2 herein - Ministry of Youth Affairs and Sports, Government of India and the IOA - to conduct elections for the Executive Committee of Respondent No. 5, i.e., Taekwondo Federation of India (located in Goa), so as to enable the Union of India to take steps for recognising a suitable federation as the NSF.

¹ “IOA”



8. Pursuant to the above directions, the Court has been informed that elections for the Executive Committee of Respondent No. 5 have been held on 13th November, 2022. In light of the same, counsel for Respondent No. 5 submits that *vide* letter dated 17th March, 2023, the Department of Sports, Ministry of Youth Affairs & Sports granted recognition to Respondent No. 5 as the National Sports Federation for Taekwondo. The relevant portion of the said communication is as follows:

“Subject: Recognition of Taekwondo Federation of India for the sport of Taekwondo as National Sports Federation-reg.

Sir,

I am directed to say that the Taekwondo Federation of India was granted recognition by this Ministry as a National Sports Federation for the promotion and regulation of Taekwondo sports in the country. The annual recognition of the Taekwondo Federation of India (TFI) was not renewed after the year 2014 due to compliance/management issues with the Federation.

2. Hon’ble Delhi High Court vide its order dated 28.04.2022 in W.P.(C) 11674/2019, while taking note that Taekwondo India is an unregistered body; and that sport of Taekwondo in the country is suffering, and the genuine Taekwondo players are not getting the opportunity to represent the country, in the interest of the sport, passed directions for holding of fresh elections to the Executive Committee of the Taekwondo Federation of India so as to enable the Union of India to take expeditious steps for recognizing a suitable federation as the National Sports Federation for the sport of Taekwondo. Hon’ble Delhi Court appointed Retd. Hon’ble Mr Justice G. S. Sistani as Court Commissioner-cum-Returning Officer for holding the elections to the Executive Committee of the Taekwondo Federation of India.

3. The elections as per the above said Court Order have been held under the supervision of Retd. Justice G.S. Sistani and the result of the above said election has been examined in light of the Sports Code provisions and it has been decided to accept the election of taekwondo Federation of India held on 14.11.2022 and following Office Bearers have been taken on records of the Ministry for the period 2022-2026:

² “NSF”



S. No.	Post	Name
1.	President	Dr. Ishari K. Ganesh
2.	Secretary General	Shri R. D. Mangueshkar
3.	Treasurer	Shri Jasbir Singh Gill

4. Further, in view of the Hon'ble Delhi High Court's order dated 28.04.2022 in W.P. (C) No. 11674 of 2019, consequent upon acceptance of election of Taekwondo Federation of India, **it has been decided to recognize Taekwondo Federation of India, represented by the above-said elected Office Bearers in the election conducted by the Hon'ble Delhi High Court appointed Court Commissioner-cum-Returning Officer, as National Sports Federation(NSF) for promotion and development of sport of Taekwondo in the country with immediate effect.**

5. This recognition to Taekwondo Federation of India is with the condition that it shall comply with the provisions of National Sports Development Code of India, 2011 and other relevant guidelines issued by the Ministry from time to time. A copy of the National Sports Development Code of India, 2011, currently in force is available on the website of this Ministry i.e. <https://yas.nic.in/sports/national-sports-development-code-india-2011>

6. Further, as Taekwondo is an Olympic Sports, Taekwondo Federation of India is hereby directed to get the affiliation of Indian Olympic Association (IOA) and approach the World Taekwondo (International Federation governing sport of Taekwondo) for getting its affiliation/recognition so that Indian athletes are not deprived off the opportunity to represent country in the international events."

[Emphasis added]

9. On the other hand, counsel for IOA, states that currently there is no recognised National Sports Federation for the sports of Taekwondo since Respondent No. 5's membership with the IOA has been withdrawn. In this regard, they rely on the communication dated 22nd October, 2024, issued to Respondent No. 5, which is as follows:



“To,

Mr. Ishari K Ganesh

President Taekwondo Federation of India

Subject: IOA Letter Ref No. IOA/I-23/2023/1323 dated May 19, 2023

Dear Mr. Ganesh,

I am writing the present letter in reference to letter dated May 19, 2023, vide which IOA's membership was granted to the Taekwondo Federation of India.

In that letter, Taekwondo Federation of India [TFI] was advised to ensure that the TFI is compliant with the provisions of the Sports Code and to approach World Taekwondo for affiliation / recognition as the national federation for Taekwondo in India, so that Indian athletes are not deprived off the opportunity to represent the country in international taekwondo events.

Additionally, the Ministry of Youth Affairs and Sports, in its letter dated 17 March 2023 (letter attached), granted recognition to TFI under similar conditions, emphasizing the necessity for the federation to seek affiliation from World Taekwondo to function as the official national governing body for Taekwondo in India.

However, despite these directives, it has come to our attention that TFI has, to date, not secured the required recognition from World Taekwondo. This failure to comply with one of the primary conditions set by the Ministry of Youth Affairs and Sports is concerning, as it directly affects the opportunities available to Indian athletes in the international Taekwondo arena. Kindly refer to reaffirmation of MYAS letter dt. 5th August 2024 in this regard.(letter attached)

In light of the fact that TFI has not yet obtained recognition from World Taekwondo, and considering the importance of ensuring that the federation operates in full compliance with all regulatory requirements, I regret to inform you that I am hereby withdrawing my earlier letter (Ref No. IOA/I-23/2023/1323) dated May 19, 2023 (letter attached) which granted TFI membership in the IOA. In case any such recognition has been received kindly let us know.

Thank you for taking note of the above.

Yours sincerely,

Sd/-

(Kalyan Chaubey)

Joint Secretary/ Acting CEO”

10. The Court has heard the counsels for the Respondents, even though they raise pertinent points, the question of the recognition of a National Sports Federation for the sports of Taekwondo is not the subject matter of present writ petition. Therefore, the Court is not inclined to make any comment on the same. However, in case Respondent No. 5 is aggrieved with



the decision of the IOA vide the aforementioned communication dated 22nd October, 2024, they are free to take the appropriate recourse, in accordance with law. All rights and contentions of the parties are left open, to that extent.

11. As far as the Petitioners are concerned, since their primary grievance stands redressed, the present writ petition is rendered infructuous.

12. Therefore, the present writ petition is disposed of along with pending application(s).

SANJEEV NARULA, J

NOVEMBER 28, 2024/nk