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

+ W.P.(C) 16241/2024 & CM APPL. 68241/2024

GURSHARAN SINGH

.....Petitioner

Through: Dr. Amit George, Mr Siddharth
Nayak, Ms. Rupam Jha and Mr.
Raghav Khanna, Advocates.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Anil Soni, CGSC with Mr.
Devvrat Yadav, G.P. for UOI.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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22.11.2024

1. The petitioner has filed this writ petition under Article 226 of the Constitution, seeking the following reliefs:

“A. ISSUE A WRIT/ORDER/DIRECTION OF MANDAMUS OR ANY OTHER WRIT OF THE LIKE NATURE DIRECTING Respondent No. 1/ MYAS, and Respondent No. 2/ PCI, to expeditiously and in a time bound manner consider and decide the representation(s) dated 22.08.2024 submitted by the Petitioner concerning the alleged illegal appointment of Respondent No.3/Deepa Malik as the Sub-Regional Representative in APC, while duly addressing and resolving all legal and factual contentions raised therein

B. ISSUE A WRIT/ORDER/DIRECTION OF MANDAMUS OR ANY OTHER WRIT OF THE LIKE NATURE DIRECTING Respondent no. 2/PCI for the issuance of clarificatory directions and/or communications to the Asian Paralympic Committee and the International Paralympic Committee, unequivocally asserting that the information and/or statements made by Respondent No. 3/Deepa Malik regarding the Petitioner's election to the post of Sub-Regional Representative of South Asia of APC are manifestly



false. Misleading and factually incorrect

C. ISSUE A WRIT/ORDER/DIRECTION OF MANDAMUS OR ANY OTHER WRIT OF THE LIKE NATURE DIRECTING Respondent no. 1/MYAS to instruct Respondent No.2/PCI to formally withdraw its support for Respondent No. 3/Deepa Malik in her capacity as Sub- Regional Representative of the APC, on the grounds that her appointment was obtained through improper, unlawful and fraudulent means.

D. ISSUE A WRIT/ORDER/DIRECTION OF MANDAMUS OR ANY OTHER WRIT OF THE LIKE NATURE DIRECTING Respondent no. 2/PCI to initiate a comprehensive and impartial investigation into the conduct of Respondent No. 3/Deepa Malik during her tenure as President of Respondent No. 2/PCI, specifically with respect to her communications with the APC concerning the legitimate election of the Petitioner as Sub-Regional Representative of the APC. Further, the investigation be conducted under the supervision/aegis of an independent body, preferably led by a retired High Court Judge to ensure fairness, impartiality and adherence to due process.

E. ISSUE A WRIT/ORDER/DIRECTION OF MANDAMUS OR ANY OTHER WRIT OF THE LIKE NATURE DIRECTING Respondent No.1 to constitute an independent inquiry committee to investigate and scrutinize the involvement of Respondent No.2/PCI & Respondent No.3/Deepa Malik in facilitating the unauthorised access or disclosure of privileged and confidential documents of Respondent No.2/PCI by the NPC of Pakistan which are strictly restricted to Respondent No. 2/PCI's office-bearers

F. ISSUE A WRIT/ORDER/DIRECTION OF MANDAMUS OR ANY OTHER WRIT OF THE LIKE NATURE DIRECTING Respondent No. 1/MYAS restraining Respondent No 2/PCI, from involving Respondent No 3/Deepa Malik in any of its activities until the completion of the enquiry and until Respondent no 3/Deepa Malik has been exonerated of all the allegations, ensuring that the Respondent No.3/Deepa Malik is clear of any charges or accusations related to the enquiry.

G. ISSUE A WRIT/ORDER/DIRECTION OF MANDAMUS OR ANY OTHER WRIT OF THE LIKE NATURE DIRECTING Respondent No. 1/MYAS to take immediate steps to restrain Respondent No 3/Deepa Malik from participating in or associating with activities of APC during the pendency of the Writ Petition and until such time as the Respondent No 3/Deepa Malik is exonerated from all allegations, particularly those pertaining to her alleged collusion with the NPC of Pakistan.”

2. Dr. Amit George, learned counsel for the petitioner, states that he



will be satisfied with the direction that the Ministry of Youth Affairs and Sports, Government of India [“MYAS”], should take a decision on the representation submitted by the petitioner to the Minister, MYAS on 22.08.2024 [Annexure P-2 to the writ petition].

3. Mr. Anil Soni, learned Central Government Standing Counsel for the Union of India [“UOI”], states that the petitioner’s representation will be considered, and a response will be communicated to the petitioner, within a period of six weeks from today.

4. The writ petition is disposed of on the basis of this submission, leaving the rights and contentions of the parties on the merits of the case, open.

5. The respondent No. 3, against whom the petitioner’s allegations are principally targeted, is not represented today. It is made clear that this order has been passed without prejudice to her rights and contentions, and the UOI is at liberty to seek the comments of respondent No. 3 if it deems necessary.

6. The writ petition, alongwith the pending application, stands disposed of with the aforesaid directions.

PRATEEK JALAN, J

NOVEMBER 22, 2024/MR/JM/