

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12226 OF 2024

Mr. Pradnesh Samit Yadwad through Natural
Guardian & Father Shri. Samit Shrishail Yadwad ...Petitioner
Versus
Union of India & Ors. ...Respondents

Mr. I. M. Khairdi with Mr. Zahir Mulla i/b. Mr. M. S. Mulla for Petitioner.
Mr. Ashutosh Mishra for Respondent No.1/UOI.
Mr. Pratik Kothari for Respondent No.3.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
DATE : 28 APRIL 2025

P.C.:

1. This petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:-

“b) this Hon’ble Court may be direct to the CISCE to amend and include the category of “under 11 years of age of sportsman, more particularly in respect of Skating in its regulations in accordance with SGFI regulations.”

2. The case of the petitioner is that he is presently studying in the 3rd standard at the respondent no.4-Saint Thomas English Medium School, Solapur. The school is affiliated to the School Games Federation of India (for short, “SGFI”), Lucknow, Uttar Pradesh from February 2019. It is the petitioner’s case that as per the regulations of respondent no.3 under which the school is governed namely the Council for the Indian School Certificate Examination (for short,

“CISCE”), it is under an obligation to follow the SGFI regulations.

3. The petitioner contends that the petitioner falls under the category “under 11 years” and has several achievements in “the Sports of Skating”, being one of the sports which is recognized by the SGFI. However, grievance of the petitioner is that the CISCE regulations do not provide for any eligibility for skating under the category “under 11 years”. This according to the petitioner is discriminatory. It the petitioner’s contention that the petitioner as on date is and would otherwise be entitled to participate in the competition considering even his constitutional rights to take part at the National Level Competition conducted by the SGFI under the category “below 11 years”. However, the CISCE could not recommend the petitioner for the reason that “under 11 years” category has not been recognized by SGFI.

4. Mr. Khairdi, learned counsel for the petitioner would contend that in fact for the next academic year, there is a proposal of SGFI to include such category. However, by such time, it is contended that the petitioner would not be eligible. It is in these circumstances, the present petition has been filed praying for the reliefs as noted by us hereinabove.

5. Respondent no.3 has appeared before us. It is contended that it is ultimately the SGFI which is to have a policy to include such category of students eligible for participation and in the absence of the same, for this year, it is not possible for the CISCE to recommend the petitioner. In our opinion, if the SGFI

has already applied its mind and thought it appropriate to include such category from the next academic year, no prejudice would be caused if the SGFI considers to include this category even for this year, if such candidates are available.

6. In this view of the matter, we propose to dispose of this petition with permission to the petitioner to approach the SGFI by making a representation to include the category “under 11 years” for the ensuing skating competition which is stated to be held on 30 April 2025. In the event the representation of the petitioner is favourably considered by the Secretary General/CEO of respondent no.2/SGFI, in that event, such category be notified by the SGFI and all the stakeholders can be informed. However, as all this is in the domain of the approach and policy which respondent no.2/SGFI would adopt, we leave all aspects in that regard to be considered by the SGFI .

7. Needless to observe that the representation of the petitioner be considered by the SGFI in accordance with law.

8. In passing such order, we are certain that no prejudice whatsoever would be caused to the SGFI which is not before us today as we find that there is nothing adversarial in the contentions as urged on behalf of the petitioner.

9. We may also observe that the SGFI in the event holds the petitioner to be eligible, it ought not insist that the name of the petitioner be forwarded by respondent no.3-CISCE, however, any verification in that regard can always be undertaken.

10. With the aforesaid directions, keeping open all contentions of the parties we dispose of this petition.

11. Parties to act on an authenticated copy of this order.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]