

**CWP-1595-2025****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****110****CWP-1595-2025****Date of Decision : January 29, 2025****KAFHI AND OTHERS****-PETITIONERS****V/S****THE STATE OF HARYANA AND OTHERS****-RESPONDENTS****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Vaibhav Narang, Advocate
for the petitioners.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Namit Khurana, Advocate and
Mr. Parth Aneja, Advocate
for the respondent No.3.

Mr. Akshaydeep Singh, Advocate
for the respondent No.4.

Mr. Ravinder Malik, Advocate
for the private respondents.

*********KULDEEP TIWARI, J. (ORAL)**

1. The gravamen of the *lis*, as encapsulated in this writ petition, is embedded in the opaque, unprofessional and biased conduct of the respondent(s)/selection committee concerned in holding the trials for selection of Handball team(s) for participation in the 38th National Games scheduled to be held in Uttarakhand. The principal argument constructed by the petitioners in support of this claim, is that, no notification or information indicative of the date and venue of the trials was ever notified or published, therefore, this *ipso facto* casts suspicion upon the transparency and fairness

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of the team selection process adopted by the respondent(s)/selection committee concerned.

2. Through the instant writ petition, as cast under Articles 226/227 of the Constitution of India, the petitioners, who claim themselves to be handball athletes, beseech the issuance of directions upon the respondent(s) to constitute an independent selection committee, under the aegis of the respondent No.3 (Haryana Olympic Association) and the Sports Department, Haryana, for conducting fresh trials for selection of team(s) representing the State of Haryana for participation in the 38th National Games.

3. At the outset itself, the learned counsel for the petitioners submits that, the biased and unprofessional approach adopted by the existing selection committee, with the *mala fide* intent to lend favour to its preferred athletes, has yielded the desired fruits to some extent inasmuch as the match(es) of Beach Handball has already been held on 27.01.2025, therefore, he relinquishes his prayer in this regard and confines the sphere of his prayer only with regard to issuance of directions upon the competent authority, amongst the respondents, to constitute a fresh and independent selection committee and to hold fresh trials for selection of Indoor (Men and Women) Handball team(s), match whereof is scheduled for 07.02.2025.

4. *Per contra*, the learned counsel representing the respondent No.4, in his defending the approach adopted by the existing selection committee while holding trials, submits that the directions/guidelines issued by the Indian Olympic Association, which are enclosed in Annexure P-3 in

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this writ petition, have been meticulously complied with by the respondent No.4. Moreover, the timeline prescribed in Annexure P-3 has also been adhered to and no procedural error has been committed in holding the trials. He further submits that, four of the present petitioners have made material concealment from this Court, inasmuch as, they have not disclosed about their participation in the trials. Despite remaining unsuccessful in the trials, those four petitioners have, just to defeat the right of the successfully selected athletes, now approached this Court for conducting fresh trials. No other argument is made by the learned counsel for the respondent No.4.

5. Before gauging the merits/demerits of the instant writ petition and consequently penning down any opinion thereon, it is deemed apt to initially record some facts regarding which there is no wrangle amongst the contesting litigants. The said facts are extracted hereunder:-

i) That for the sport of Handball and Beach Handball, the top 7 Teams that participated at the 37th National Games held at Goa in 2023 were invited to participate in the 38th National Games at Uttarakhand and the State of Haryana is one amongst the top 7 teams, therefore, the Indian Olympic Association, vide letter dated 20.12.2024, directed the State Olympic Association and their respective Handball Associations to conduct team selection trials for Handball and Beach Handball by adhering to the standard and transparent procedures, thus ensuring fair representation of deserving athletes;

ii) In pursuance to the above instructions, the Haryana Olympic Association decided to conduct the fair and transparent trials in association with respondent No.4, and therefore, Sh. Raj Kumar Dhandha, Executive Member, HOA was appointed as observer and was also requested to organize

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the open trial scheduled for 5.1.2025 at 11.00 to 3.00 pm;

iii) In response to the above, on 3.1.2025, respondent No.4 informed HOA regarding deputation of technical officer/officials/selectors, who were to select the Haryana Indoor (M&W) and Beach (W) Handball teams;

iv) On 3.1.2025, the District Sports Officer, Jind granted permission to respondent No.4 to conduct trials at Navdeep Stadium Narwana. On 3.1.2025 itself, respondent No.4 circulated information to all the District Sports Officers regarding trial to be held on 5.1.2025.

v) On 4.1.2025, the Haryana Olympic Association appointed one Sh. Parshant Rai, Additional Officer for the trial, and on 5.1.2025, the trial was conducted. Pursuant thereto, the team was selected and one team for Beach Handball went to participate, which held on 27.1.2025.

6. It has also been brought to knowledge of this Court that, the trials for selection of Handball team(s) for representing the State of Haryana in the 38th National Games have been conducted by the respondent No.4, under the supervision of respondent No.3 (Haryana Olympic Association).

7. It would also be apt to record here that, vide order dated 27.01.2025, this Court had directed the petitioners to implead all the selected candidates, details whereof were mentioned at Page Nos.22 to 25 of the compilation provided by the respondent No.4, in the array of respondents in the instant writ petition. Moreover, the learned counsel for the respondent No.4 also furnished an undertaking to inform the selected candidates regarding the proceedings pending before this Court.

8. This Court has heard the submissions made by the learned counsels for the contesting litigants and also made a studied survey of the

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record.

9. This Court is of the opinion that, the respondent(s)/selection committee concerned not only conducted the present trials in tearing hurry, but, also adopted a completely clandestine, opaque and biased procedure while conducting the trials. The reason for drawing this inference stems from there being absolute dearth of any proper publication or notification regarding the schedule and venue of the present trails being made by the respondent(s)/selection committee concerned at the apposite time. In fact, the initial information, which was circulated for informing the date of the trials, was through e-mail to all the District Sports Officers within the State of Haryana, and that too, only on 03.01.2025 at 04:30 p.m. Since 03.01.2025 was Friday, therefore, 04.01.2025 and 05.01.2025 were holidays being weekend, hence there was no proper occasion for the District Sports Officers concerned to circulate the information about trials further to the interested/eligible athletes. Furthermore, the second observer was appointed on 04.01.2025, just a day prior to the trials.

10. Although it has been informed to this Court that, due circulation/publication was made in two daily newspapers, thereby informing the public at large about the schedule of the trials, however, the said circulation/publication was, strangely enough, made only on 05.01.2025, i.e. the date of the trials. In this way, it is clear from the act of the respondent(s)/selection committee concerned that they were well conversant with the procedure of making publication about schedule of the trials, however, with an ulterior motive to defeat the right of the petitioners

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and to lend favour to some athletes, the publication was not made well in time, rather was made on the date of the trials itself.

11. When the instant writ petition came up for hearing on 27.01.2025, the above issue has already been dealt with by this Court. The relevant extract of the order dated 27.01.2025 is reproduced hereunder:-

“...Though the learned counsel for the respondent No.4 tried to justify their act by drawing the attention of this Court towards the publications, which were advertised in the daily two newspapers to submit that the associations adopted fair and transparent procedure, however, perusal of the publications reflects that it was only published on 5.1.2025 i.e. the day when the trial is to be held. This Court has put a specific query to the learned counsel for respondent No.4 as to whether these publication were ever circulated on 3.1.2025 or 4.1.2025, to which he is unable to answer. Therefore, in case the trial was to be held on 5.1.2025 itself, the information, if any, circulated through newspapers on 5.1.2025 would be sheer formality and the entire procedure seems to have been adopted in order to deprive the competent and willing participants in the trial. It seems that all the attempt is made only to deprive the competent sports persons to participate in the said trials, therefore, before this Court proceeds further to direct fresh trial, the petitioners are directed to implead the selected candidates, in the array of the respondents in the instant petition, as required.”

12. The learned counsel representing the respondent No.3 (Haryana Olympic Association) has not disputed that, the publication (supra) in the newspapers was made only on 05.01.2025, i.e. the date of the trials. Moreover, he is unable to justify as to how mere intimation to the District Sports Officers about the schedule of the trials, and that too only on 03.01.2025, i.e. a couple of days before the trials were scheduled, can suffice the requisite publication well in time.

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13. Resultantly, the list of selected candidates, as prepared by the respondent(s)/selection committee concerned, is the outcome of trials held only amongst limited number of athletes, who were either having insider information, or personal contacts with the selection committee, or who secured the information about trials by luck, whereas, a large number of talented athletes, who could have performed well in the trials, were deprived of their opportunity to demonstrate their skill.

14. Although the instant writ petition does not embody the prayer for setting aside the list of selected candidates, however, for enabling the petitioners and other talented athletes, who could not participate in the trials for want of knowledge, to demonstrate their talent in the Indoor (Men and Women) Handball match scheduled for 07.02.2025, the list of presently selected candidates is required to be set aside and fresh trials are required to be held.

15. In summa, this Court, in exercise of its writ jurisdiction, sets aside the list of selected candidates and directs the respondent No.3 (Haryana Olympic Association) to get fresh trials, for selection of Indoor (Men and Women) Handball team(s), conducted on 04.02.2025 and also to ensure requisite publication being made in this regard in two daily newspapers having wide circulation in the State of Haryana. Moreover, the respondent No.2 (Indian Olympic Association) is also directed to make necessary arrangement and to extend every possible help, including reopening of the portal for uploading the details of the newly selected team(s), thereby enabling the respondent No.3 to make compliance of the

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directions (supra).

16. It is made clear that, in case the respondent No.3 opts to handover this task of conducting fresh trials to the respondent No.4, then the persons, who were members of the existing selection committee, shall not be the members of the fresh selection committee. Furthermore, the respondent No.3 is also directed to conduct an intra departmental inquiry regarding the conduct of the existing selection committee, as also the conduct of the respondent No.4, and, if they are found guilty of holding the trials in a mala fide manner just to deprive the petitioners of their rightful opportunity, they shall not be assigned any such work in future.

17. Insofar as the issue of concealment about participation of four petitioners in the trials is concerned, this issue is not so grave that it could provide a protective umbrella to the respondent(s)/selection committee concerned and wash away their opaque, unprofessional and biased conduct in holding the trials, especially when rest of the petitioners and many other talented athletes have been deprived of their opportunity to demonstrate their skill.

18. Needless to say, any dereliction in making compliance of the directions (supra) would invite stringent action from this Court.

19. Disposed of accordingly.

January 29, 2025
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(KULDEEP TIWARI)
JUDGE

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