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

+ W.P.(C) 7727/2018 & CM No.29614/2018

C. HONNAPPAGOWDA AND ANR. ... Petitioners

Through : Ms. Madhavi Divan and  
Mr. B.S. Nagar, Advs.

versus

UNION OF INDIA AND ORS. .... Respondents

Through : Mr. Dev P. Bhardwaj, CGSC  
with Ms. Suparna  
Srivastava, Adv. for R-1.  
Mr. Ruchir Mishra and  
Mr. Mukesh Kr. Tiwari,  
Advs. for R-2.  
Mr. S.K. Bhattacharya, Ms.  
Seema Sharma and Ms.  
Nandita Talukdarr, Advs.  
for R-3,5 to 8.  
Mr. C.S. Vaidyanathan, Sr.  
Adv. with Mr. S.K. Dubey,  
Mr. Rohit K. Singh and Mr.  
Anirudh Gupta, Advs. for R-  
4.

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**ORDER**

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**02.08.2018**

**W.P.(C) 7727/2018**

1. Despite the order passed by us on 26<sup>th</sup> July, 2018, counter affidavits have not been filed by the respondents. Time is sought to file the counter affidavits. Let the same be positively filed within three weeks from today. The petitioner is permitted to file rejoinders thereto, if any, before the next date of hearing.
2. On oral request of counsel for the parties, we direct impleadment of Sports Authority of India through Director General at Jawaharlal Nehru Stadium Complex (East Gate), Lodhi Road, New Delhi – 110 003 as party respondent no.9 in the present case.
3. Let the amended memo of parties be filed by the petitioner within three days from today.
4. Subject to the petitioners taking steps within one week, issue notice for the service of newly added respondent no.9 – Sports Authority of India, returnable on 30<sup>th</sup> October, 2018.

**CM No.29614/2018**

1. This application makes a grievance with regard to the selection process followed by respondent no.4 for selecting the Indian Kabaddi Team for participation in the Asian Games which are to commence from 18<sup>th</sup> August, 2018. Elaborate allegations of impropriety have been set out therein.
2. It is contended by Ms. Madhavi Divan, ld. counsel for the petitioner that the claimed selection process is an eyewash and that the proceedings have been antedated inasmuch as the petitioner had

approached the Supreme Court by way of writ petition filed under Article 32 of the Constitution of India making the grievance which has been made in the writ petition.

3. It is submitted that with the intent of getting over the date of filing of matter in the Supreme Court, the proceedings were ante dated and that even e-mails have been fabricated by the Indian Olympic Association for the purpose of facilitating the back door selection process. These assertions are vehemently disputed by the respondents.

4. It is submitted that they shall explain the manner in which the Asian Games were held and players were selected.

5. We are informed that after the completion of the process, the names of the members of the team selected had been informed to the Indian Olympic Association and that the team is to leave shortly. Other arrangements, which includes the dope test, medical examination, etc. have been completed and the results have been communicated to the organizer of the Asian Games. It is submitted that any interference in the selection of the team at this stage, would jeopardise the very participation of the Indian team in the Asian Games scheduled to commence from 18<sup>th</sup> August, 2018.

6. It cannot be denied that the preparation of the Indian Team for participating in the games on 18<sup>th</sup> August, 2018 would be at an extremely critical stage at this point. Any order regarding their selection at this stage may result in extreme demoralisation and impact the performance of the players in the ensuing competition.

7. We agree with the ld. counsel for the respondents that there is not sufficient time to undertake coaching and a fresh selection in the games which are to be commence from 18<sup>th</sup> August, 2018 besides completion of the formalities, which may be required to enable participation of other players who may succeed in the selection process in August, 2018. However, it cannot be denied that selection has to be by a transparent process and every Kabaddi player in India must be fairly given an opportunity to compete for selection to the Indian team.

8. A prayer is made by Ms. Madhavi Divan, ld. counsel for the petitioners that in view of the assertion made in the writ petition, the selected players should not be given any benefits in the nature of jobs, etc. This submission would require to be considered at the time of final adjudication of the writ petition.

9. In view thereof, without prejudice to the respective rights and contentions and without any expression on the merits of the plea by either side, we direct as follows:-

(i) The Amateur Kabaddi Federation of India – respondent no.4 shall conduct a selection process which shall commence from 15<sup>th</sup> September, 2018 at 11:00 am.

(ii) The arrangements for the selection process shall be made by the Sports Authority of India, which shall arrange for the selection process to be undertaken at the Thyagaraj Sport Complex, INA, New Delhi or any other equivalent facility under its control in Delhi.

(iii) The date and schedule of the selection process shall be posted on the websites of the Sports Authority of India; Indian Olympics Association; the Amateur Kabaddi Federation of India as well as all State Kabaddi Associations.

(iv) It shall be the responsibility of the Amateur Kabaddi Federation of India to ensure that all State Kabaddi Associations inform the players about the date, time and venue of the selection process.

(v) We appoint Ms. Ravinder Kaur, District Judge (Retd.) as an Observer of the selection process. An officer from the Ministry of Youth Affairs and Sports, who shall be nominated by the concerned Secretary and will be an officer not below the rank of Joint Secretary, shall assist the Observer.

(vi) The entire selection process shall be videographed and the recording thereof shall be preserved by the Sports Association of India and a copy thereof be placed before this court as well.

(vii) So far as the appointment of the selector is concerned, the selection process shall be conducted by three selectors, who shall be appointed by the Secretary of Ministry of Youth Affairs and Sports.

(viii) The petitioners are permitted to remain present during the selection process. It shall be open for them to assist the observers in any manner as may be deemed fit.

(ix) The expenses of the selection process shall be borne by the Amateur Kabaddi Federation of India, which shall be notified of

the same by the Sports Authority of India.

(x) Liberty is given to all the parties to ensure that due publicity is given to the selection process to enable participation of the maximum players.

(xi) The Amateur Kabaddi Federation of India shall forthwith pay a sum of Rs.1,00,000/- to Ms. Ravinder Kaur, District Judge (Retd.) towards her honorarium as well as all expenses of conveyance, secretarial assistance etc, which shall be informed to AKFI by the Observer.

(xii) It shall be open to the Observer to make queries from any of the parties and players.

(xiii) Report shall be filed by the Observer before the next date of hearing.

10. List on 30<sup>th</sup> October, 2018.

*Dasti* under signatures of Court Master.

**ACTING CHIEF JUSTICE**

**C.HARI SHANKAR, J**

**AUGUST 02, 2018**

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