

**(2021) 03 J&K CK 0059**

**In the Jammu And Kashmir High Court**

**Case No :** Writ Petition (C) No. 322 Of 2021, CM No. 1653 Of 2021

Ankush Gupta And Another

APPELLANT

Vs

Union Territory Of J&K And Others

RESPONDENT

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**Date of Decision :** 29-03-2021

**Acts Referred:**

**Citation :** (2021) 03 J&K CK 0059

**Hon'ble Judges :** Sanjeev Kumar, J

**Bench :** Single Bench

**Advocate :** Narinder Kumar Attri, K.D.S.Kotwl, Anshuja Tak

**Final Decision :** Dismissed

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## **Judgement**

1. Advertisement Notification issued by respondent No.3, whereby online applications have been invited for engagement of past champion athletes as coach/mentors in different sports disciplines at the SAI approved Khelo India District Level Centres, is subject matter of challenge in this petition filed by two petitioners, who claim to be a qualified coach from Netaji Institute of Sports, Patiala and Southern Centre, Bangalore respectively. The petitioners also seek a direction to respondent No.1 to first identify new Khelo India Centres in the Union Territory of J&K in liaison with District Collectors in conformity with the scheme. A further direction has been sought by the petitioners to respondent Nos. 2 and 3 to comply with the judgment dated 05.04.2019 passed in SWP No.516/2019 and SWP No.1713/2018.

2. Briefly stated, the facts narrated by the petitioners in this petition are that respondent No.2 in the year 2016 vide advertisement notification No.DIP-K-NB-1270 dated 24.08.2016 advertised 47 posts of junior coaches in various disciplines but only 17 qualified/eligible coaches responded. Respondent Nos. 2 and 3 did not conclude the selection process, which constrained the petitioners and others to file SWP No.1713/2018 and SWP No.516/2019 in this Court. Both the writ petitions came to be disposed of by this Court vide judgment dated

05.04.2019 directing the J&K Sports Council to conclude the selection process of Junior Coaches set in motion vide advertisement notification dated 24.08.2016 within a period of four months from the stage of interview only.

It is submitted that the respondents instead of concluding the process of engagement of Junior Coaches, devised a strange methodology to frustrate the judgment passed by this Court and issued the impugned advertisement notification to supply the positions of Coach/mentors under the Khelo India programme of Government of India. Feeling Aggrieved, the petitioners have filed the instant petition seeking the reliefs, which have been taken note of herein above.

3. The impugned notification issued by respondent No.2 is assailed by the petitioners primarily on two grounds:-

i) That the impugned notification has been issued to frustrate the judgment dated 05.04.2019 passed by this Court in SWP No.1713/2018 and SWP No.516/2019.

ii) That the impugned notification is not in conformity with the Khelo India Scheme, in that, neither the Khelo India Centres at the District Level have been identified by the State Sports Department in liaison with the District Collectors nor has the Department of Sports, Govt. of UT been involved in the process.

4. Respondent Nos. 2 and 3 have filed objections and have opposed the maintainability of the petition on the ground that the petitioners, who have also responded to the earlier advertisement notification for engagement of Junior Coaches and have not responded to the impugned advertisement notification have no locus standi to challenge the impugned notification nor are they entitled to claim that the District Level Khelo India Centres have been identified in violation of the Khelo India Scheme. It is submitted that Government of India through Sports Authority of India (SAI) has approved opening of 40 Centres in 20 districts of Jammu & Kashmir in selected disciplines as Khelo India Centres (KICs). Under this scheme, as part of Govt. of India's vision to strengthen the sports ecosystem in the country, low cost effective sports training mechanism has been developed wherein past champion athletes would become Coaches and Mentors, so that their expertise and experience is properly utilized for nurturing the athletes at grass root level. It would also ensure sustained source of income for them. It is further submitted that the Sports Authority of India vide its communication dated 13.01.2021 conveyed the approval of the competent authority for opening of 40 centres in 20 districts across J&K UT. Respondent Nos. 2 and 3 in their objections have further clarified that the advertisement notification of the year 2016, whereby 48 posts of Junior Coaches in different disciplines have been notified for selection, has nothing to do with the engagement of past champion athletes as coach/mentors in the Khelo India Centres identified by respondent No.2 and approved by the Sports Authority of India.

5. It is submitted that the scheme of Khelo India Centres is a joint venture between the central government and the respective State/UT Governments. The Khelo India Centres will last for a period of four years with Olympic circle and will be co-terminus with the 'Khelo India' a centrally sponsored scheme. Each Khelo India Centre is sanctioned for a period of four years and it is expected that within these four years, the past champion athletes would be able to earn enough experience and recognition as sports coaches to sustain his/her centre without recurring grant from the central government. It is, thus, clear stand of the respondents that the engagement of Coach/mentors under the Khelo India Scheme has nothing to do with the engagement of Junior Coaches by respondent No.2 pursuant to the advertisement notification issued in the year 2016 and, therefore, the impugned notification does not, in any manner, affect the notification of 2016.

6. With regard to compliance of Khelo India Scheme, it is submitted that true it is that responsibility to identify the centres is given to the sports department of the State/UT, but as is evident from Clause 5.1 of the implementation guidelines for Khelo India Centres issued by the Ministry of Youth Affairs and Sports, Government of India, the competence with regard to the identification of Khelo India Centres and engagement of past champion athletes as coach/mentors in different disciplines has been provided to be implemented through State/UT Sports Authority/Department or any other suitable agency as notified by the State/UT Government. It is, thus, submitted that so far respondent No.2 is concerned, it is a UT's Sports authority, which has been entrusted with the job by the Government of UT and therefore it is because of this reason all correspondence has been made by the Sports Authority of India with respondent No.2 with regard to the implementation of Khelo India scheme in UT of J&K.

7. Having heard learned counsel for the parties and perused the record, I am of the view that the petitioners have filed this petition primarily on their misapprehension that engagement of past champion athletes as coach/mentors in 40 identified Khelo India Centres would impinge upon their right of consideration accrued to them under the advertisement notification of 2016 and the judgment dated 05.04.2019 passed in SWP Nos.1713/2018 & SWP No.516/2019. Stand of respondent Nos. 2 and 3 is clear and unequivocal. In reply to para 6, respondent Nos. 2 and 3 have clarified that the post of Junior Coaches advertised in the year 2016 are totally different and the centrally sponsored scheme of KICs has no bearing nor does it in any manner affects the recruitment notification of 2016. It is submitted that the appointment of Coaches/ Junior Coaches in the J&K Sports Council is governed by the Recruitment Rules of J&K Sports Council, which have been revised by the competent authority in the year 2017. The Rules govern the recruitment on substantive vacancy under direct quota and are not applicable to the instant engagement of past champion athletes in Khelo India Centres. The engagement of past champion athletes as coach/mentors is governed by the Khelo India Scheme and, therefore, two are entirely different.

8. The clear stand taken by the respondents in their objections allays the apprehension, if any, entertained by the petitioners and, therefore, this ground of challenge raised by the petitioners in this petition is found to be meritless and, therefore, rejected.

9. However, I am in agreement with the learned counsel for the respondents that the petitioners have no locus standi to file this petition for the reason that they are neither past champion nor have they responded to the impugned advertisement notification for being engaged as coach/mentors under the Khelo India Scheme. Khelo India Scheme only provides a sum of Rs.3.00 lakh per annum to such past champion athletes to run Khelo India Centres in a particular discipline whereas the petitioners have applied for the post of regular coach in the J&K Sports Council and if appointed will get regular salary much more than what is provided in the Khelo India Scheme for the coach/mentors. Otherwise also, once the State Sports Council is nominated in the scheme as implementing authority, it does not lie in the mouth of the petitioners to say that J&K Sports Council is not the authority competent to identify the Khelo India Centres and initiate process for engagement of past champion athletes as coach/mentors in different disciplines.

10. It is also noteworthy that 40 centres identified in 20 districts of Union Territory of J&K by respondent No.2 have been approved by the Sports Authority of India and with the approval requisite funds also stand released for the centres. Otherwise also, the guidelines issued by the Government of India for implementation of the Khelo India scheme are in the shape of executive instructions and are not statutory in character. That being the position, any irregularity in complying with the guidelines will not vitiate the process initiated and proceeded further with the approval of the competent authority. It is not in dispute that the Sports Authority of India is an Apex Body to oversee the implementation of the guidelines framed for Khelo India Centres.

11. Viewed from any angle, I find no illegality in the issuance of impugned notification by respondent No.2.

12. For the foregoing reasons, I find no merit in the petition. The same is, accordingly, dismissed. No order as to costs.