
(2022) 09 OHC CK 0064
In the Orissa High Court
Case No : Writ Petition (C) No.18609 Of 2021

Hockey Odisha

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 09-09-2022

Acts Referred:

Citation : (2022) 09 OHC CK 0064

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : Dayananda Mohapatra, P. K. Parhi, B. K. Parhi, S.P. Mishra, A. K. Parija, P. K. Rath, Hemanta Raj Porphel

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Mr. Mohapatra, learned advocate appears on behalf of petitioner. He submits, by impugned letter dated 7th June, 2021 his client was said it could not exist as a member of Hockey India. An ad-hoc committee was put in place and now there is Hockey Association of Odisha seeking to represent interest of hockey in the State.

2. He submits, none of the particulars given under clauses (a) to (g) in the letter constitute a ground for disaffiliation under clause 2.4 in the rules and regulations of Hockey India. In any event, assuming though not admitting the allegations are correct, they are irregularities and can be regularized.

3. He draws attention to following in impugned letter, reproduced below.

"Hockey India has reviewed the facts as per the details submitted by Hockey Odisha where it appears that Hockey Odisha has been submitting fraudulent reports/details in the report mentioned at Sr. No.1 & 3 above which was submitted on 06 September 2020 and 12 March 2021 respectively. Further it would appear that in 2020 and prior, Hockey Odisha was not maintaining

minimum of 50 percent district affiliation and as such could not exist as a Member of Hockey India”

He submits, 50% district affiliation is a criteria for obtaining membership. His client was an existing member on date of formation of Hockey India. Ground asserted for saying his client could not exist as a member is that it would appear in year 2020 and prior, his client was not maintaining minimum 50% district affiliation. This is not a ground for disaffiliation under clause 2.4. On query from Court he submits, the writ petition was filed immediately upon issuance of impugned letter, on 24th June, 2021. Interim order dated 25th June, 2021 was passed by coordinate Bench directing that suffering if any of petitioner, pursuant to implementation of annexure-1, shall remain subject to result of the writ petition. As such, subsequent events and thereupon implementing impugned letter by affiliation granted to Hockey Association of Odisha as the unit representing this State are subject to result in the writ petition.

4. Mr. Mishra and Mr. Parija, both learned senior advocates appear for Hockey India. Mr. Parija draws attention to Memorandum of Rules and Regulations of Hockey India, in particular rules, 2.4.3, 5.1.4, 5.1.5, 5.9.1 and 5.9.5. He submits, impugned letter was duly issued with authority of, inter alia, those rules. By intervention of the Delhi High Court, there were directions made and pursuant thereto, election of Hockey India was notified on 5th September, 2022. Prior to that, Memorandum and Rules and Regulations of Hockey India was amended up to 30th August 2022. Annexure-1 to the amended rules include at serial no.27, Hockey Association of Odisha, showing its membership from 18th October, 2021. As such, the notice dated 5th September, 2022 regarding, inter alia, preparation of Electoral College involves Hockey Association of Odisha. Mr. Rath, learned advocate appears on behalf of Hockey Association of Odisha.

5. Mr. Porphel, learned advocate appears on behalf of Indian Olympic Association (IOA) and submits, by judgment dated 16th August, 2022 of a Division Bench of Delhi High Court in W.P.(C) no.195 of 2010 (Rahul Mehra v. Union of India) rule 31.2 in the constitution of IOA was struck down. This rule was relied upon by Hockey India to assert grant of affiliation to Hockey Association Odisha. It could not have been done.

6. Mr. Parhi, learned advocate, Assistant Solicitor General of India submits, his client is not required to answer specifically on the controversy.

7. Mr. Rath, learned advocate appears on behalf of Intervener (Hockey Association of Odisha) and adopts submissions made by Mr. Parija.

8. By consent, list on 14th September, 2022, for hearing and disposal.

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