

(2019) 02 DEL CK 0296

In the Delhi High Court

Case No : Civil Writ Petition No. 12680 Of 2018, Civil Miscellaneous Nos. 49294, 53247, 53726 Of 2018

Ms Rupal Anand

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 14-02-2019

Acts Referred:

Citation : (2019) 02 DEL CK 0296

Hon'ble Judges : Vibhu Bakhru, J

Bench : Single Bench

Advocate : Kamini Jaiswal, Rohit Kumar Singh, Raghavendra Pratap Singh, Shumaila Altaf, Harsh Ahuja, Kushal Kumar, Monika Arora, Nalin Kohli, Ankit Roy, Mridul Jain

Final Decision : Disposed Off

Judgement

Vibhu Bakhru, J

1. The petitioner is an accomplished badminton player and she claims that she is ranked at serial no. 48 in the order of ranking maintained by respondent no.2 (Badminton Association of India 'hereafter 'BAI') in Women's Doubles Senior Players Category.

2. The petitioner has filed the present petition being aggrieved by actions of BAI and respondent no.3 (Jammu & Kashmir Badminton Association) in debarring the petitioner from participating in any National/International Tournaments pending further action against her.

3. The petitioner claims that she has been victimised on account of her making a complaint against the son of an important functionary of BAI.

4. The punitive action has been taken against the petitioner on the recommendation of the age fraud cell of CBI (respondent no.5). Respondent no.5 (CBI) had submitted a report dated 19.09.2018 informing BAI that the charge of

fabrication of date of birth certificate against the petitioner stood proved. CBI further recommended that an appropriate action be taken against the petitioner. The petitioner claims that without affording the petitioner any opportunity to be heard, the Jammu & Kashmir Badminton Association had passed an order dated 04.10.2018 unilaterally deciding to debar the petitioner from participating in the North Zone Championship, which was scheduled to be held from 09.10.2018 to 14.10.2018.

5. The petitioner claims that her status on the official website of BAI has been shown as inactive, and this effectively means that she has been restrained from participating in any event.

6. I have heard the learned counsel for the parties.

7. There is no dispute that a certificate showing incorrect date of birth had been submitted to BAI. It is alleged that on the basis of a false birth certificate, the petitioner had participated in National and International Badminton Tournaments for underage players. Her date of birth was indicated as 26.12.1996, and on the basis of the same, she had participated in tournaments for which she was otherwise ineligible. The preliminary report indicates that that her correct date of birth was 22.09.1995, which is also established from her school records and records of the concerned State Board of School Education.

8. The petitioner does not dispute the above allegations. It is her case that BAI has adopted a policy not to take punitive measures against players in such cases, as minors cannot be held responsible for submission of false certificate by their parents.

9. Ms Kamini Jaiswal, the learned Senior Counsel appearing for the petitioner contended that in view of the aforesaid policy of BAI, the petitioner cannot be debarred from participation in tournaments. She further contended that the petitioner must be granted the benefit of her participation in the tournaments in senior category in the past, as has been done in case of other players. She submitted that the petitioner has been called upon to apply for a fresh BAI ID, and the effect of the same would be that her past accomplishments would be wiped out.

10. She drew the attention of this Court to paragraph 2 of the additional affidavit filed by the petitioner, which indicates the names of four players who are facing similar charges. She submitted that the said four players had not been deprived from participation in tournaments and, further, have not been called upon to apply for a new BAI ID. She also contends that the said players had not been deprived of their past records/accomplishment.

11. In view of the above, this Court had called upon BAI to file a fresh affidavit with regard to the action taken against the four players named in the additional affidavit filed on behalf of the petitioner. In compliance with the aforesaid order, the Assistant Secretary of BAI has filed an affidavit affirming that BAI had

informed the Sports Authority of India that an action has been taken against the said players except one player, who has filed a petition before this Court, which is pending adjudication. It is also affirmed that BAI is taking necessary steps to bring stringent norms/conditions to curb the menace of age fraud.

12. Mr Nalin Kohli, learned counsel appearing for the BAI submitted that the petitioner has not been debarred from participating in any tournaments but she would require to get an age certification and to update her BAI ID.

13. This Court is of the view that no interference is called for by this Court in respect of any disciplinary action that BAI may take against players who have been found guilty of submitting a false certificate of their date of birth. There is merit in the contention that a player who participates in a tournament, for which he/she is ineligible, effectively subverts the competition and this conduct cannot be countenanced.

14. Having stated the above, it is also necessary that BAI follow a uniform policy for dealing with all such cases warranting disciplinary action. It is not disputed that the four players, mentioned in paragraph 2 of the additional affidavit filed on behalf of the petitioner, have also been charged with an allegation of furnishing false certificate of date of birth. Thus, it cannot be disputed that the petitioner must be treated in parity with those cases in all respects.

15. In view of the above, the present petition is disposed of by directing BAI and Jammu & Kashmir Badminton Association to ensure that the petitioner is treated in parity with the players as mentioned in the aforesaid additional affidavit, particularly, with respect of their record of past accomplishments and regarding the requirement to obtain an updated BAI ID. Any concession granted to the said players would also be extended to the petitioner.

16. The petition is disposed of with the aforesaid directions. All pending applications stand disposed of.