

(2020) 12 PAT CK 0278

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 17765 Of 2016

Mukund Dev Sharma

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 01-12-2020

Acts Referred:

Citation : (2020) 12 PAT CK 0278

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Gautam Bose, Rajesh Kumar, Sarvesh Kumar Singh, Ruchir Mishra

Final Decision : Disposed Of

Judgement

Petitioner has prayed for the following relief(s):

(i) For issuance of appropriate writ/writs, order/orders, direction/directions, commanding the respondent authority especially respondent no. 5. The

Secretary, Indian Olympic Association, for holding a fair, impartial, transparent election of Bihar Olympic Association after preparing fair and clear

electrol roll, wide circulation of information regarding holding of the election putting it in public domain and preparation of electrol roll as per the

election procedure laid down by Government of India and further an impartial observer may be appointed who either may be a Secretary6 Level

Official of State instrumentalities or Central Govt. Establishment.

(ii) For issuance of appropriate writ/writs, order/ orders, direction/directions Commanding the respondent authority especially respondent no. 3 to

enquire into the affair of Bihar Olympic Association through IO.A. who has not followed the guidelines and not conducted/organized any sports event

under State Olympic Games as per the guidelines of Indian Olympic Association,

State Olympic Association is responsible for holding State Olympic

Games on every alternate year and a national game as and when allotted.

(iii) For issuance of appropriate writ/writs, order/orders, direction/directions commanding the respondent authority especially respondent no. 5 to

correct the annual account of Bihar Olympic Association duly audited and approved by the General Assembly of the Association and further to collect

the list of member of the General Assembly and office bearers before and after election.

(iv) For issuance of appropriate writ/writs, order/ orders, direction/directions commanding the respondent authority to enquire into the affair and

activity of the Bihar Olympic Association who is the paramount body of sports activity at the State Level but the association is running as a pocket

organization by certain person having vested interest and hijack the Bihar Olympic Association and using the same for their personal gain and present

Secretary Mustaque Ahmed by flouting all rules, norms continue to hold the post of Secretary since 2009 contrary the provision of his employer

BSNL.

(v) For issuance of appropriate writ/writs, order/ orders, direction/direction commanding to the respondent no. 6 to circulate all the details such as

office address of the association, E-mail address of the association, web-site of the association and name of office bearers as well as name of the

members of the General by Assembly in term of resolutions passed by International Olympic Congress for ethical good governance and transparency

and guideline issued by the Govt. of India vide letter no. F. No. 7/2014 Sp. 1 dated 26.2.2015.

(vi) For issuance of appropriate writ/writs, order/ orders direction/directions commanding the respondent authority specially respondent no. 2 & 4 to

get the name of Bihar Olympic Association registered with the Sports Department in terms of clause 28 of Bihar Sports (Registration, Recognition)

Act 2013. If not to initiate legal action under the provision of Sports Act-2013.

vii) For appointing Administrator/Returning Officer for holding fair and impartial election of paramount State Sports organization i.e. Bihar Olympic

Association which is at present became the pocket organization.

(viii) For any other relief/reliefs for which he is found entitled in the eye of law and in the facts and circumstances of the present case.â??

Learned counsel appearing on behalf of the respondent no. 5 states that the Indian Olympic Association is since ceased of the matter and shall

expeditiously consider and decide all issues, including the one highlighted by the petitioner not only in the instant petition but the ones which the

petitioner may like to invite attention, within next two weeks.

Statement accepted and taken on record.

In view of the same, we dispose of the present petition with the direction to respondent no. 5, namely, The Secretary, Indian Olympic Association, B-

29, Qutub Institutional Area, New Delhi- 110016, to examine all issues, including the one raised in the present petition as also the one, which the

petitioner may highlight within next two weeks. Liberty granted. The said respondent shall positively take a decision in accordance with law within a

period of two months from today.

Needless to add that all principal of natural justice shall be fully complied with.

Liberty reserved to the petitioner or any other public spirited person to take recourse to remedial measures, if so required and desired in accordance

with law including approaching this Court for seeking appropriate relief.

Petition stands disposed of in the aforesaid terms. Interlocutory application, if any, also stands disposed of.