
(2013) 07 DEL CK 0316

In the Delhi High Court

Case No : Writ Petition (C) 4128 of 2013

Parul Gupta and Others

APPELLANT

Vs

UOI and Others

RESPONDENT

Date of Decision : 09-07-2013

Acts Referred:

Citation : (2013) 07 DEL CK 0316

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : Kanwal Chaudhary and Mr. Puneet Khurana, for the Appellant; Anil Grover and Ms. Nooper Singhal, for the Respondent

Final Decision : Disposed Off

Judgement

V.K. Jain, J.—The petitioners before this Court are differently abled persons, seeking to participate in 22nd Deaflympics to be held at Sofia, Bulgaria starting on 26.07.2013. Pursuant to the entries invited by All India Sports Council of Deaf, the petitioners participated in the process for selection of teams/ participants, who were to take part in Deaflympics, 2013. In the said selection process, petitioner No. 1 ranked 4th in Women (Single) and Women (Double), whereas petitioner No. 2 ranked 4th in Men's (Single). Though the registration for participation in Deaflympics, 2013 was obtained for up to four players in each category, ultimately only two persons from each category were selected to participate in the said event. The grievance of the petitioners is that though on account of registration for up to four participants in each event, it was possible to send them to participate in Deaflympics, 2013, the respondents on account of shortage of funds, decided to send only two players in each category. The petitioners are accordingly seeking direction to the respondents to consider including them in the contingent being sent to Deaflympics, 2013 being held at Sofia, Bulgaria.

2. In its counter-affidavit, respondent No. 1-Union of India has stated that the selection of sports persons for participation in the international event is the

prerogative of the national federation of sports concerned and Union of India has no role in the matter. It is further stated in the counter-affidavit that Union of India only provides financial assistance as per approved budget under the Scheme of Assistance to National Sports Federation, through respondent No. 2-Sports Authority of India, for participation of the players selected by the concerned Sports Federation on the basis of Selection Criteria fixed by the concerned National Sports Federation. It is also stated in the counter-affidavit of Union of India that since there is a dispute between the two factions of All India Sports Council of Deaf, the selection of the participants was undertaken by Sports Authority of India. It is also stated in the reply of the Government that All India Sports Council of Deaf has been placed in the priority category so that the athletes could be provided with maximum amount of admissible assistance given under the Scheme of Assistance to National Sports Federation.

3. In its counter-affidavit, respondent No. 2-Sports Authority of India has stated that they have selected only two players each in every stream, i.e., badminton, table tennis and lawn tennis separately amongst men and women and, therefore, the process of selection or the decision taken by them to send two players in each category cannot be said to be arbitrary. It is further stated in the counter-affidavit of respondent No. 2 that the final list of the participants has already been sent on 30.6.2013.

4. It would thus be seen that on account of registration for a maximum of four players in each category, it is possible for the respondents to send up to two players to participate in Deaflympics, 2013. Considering the handicap from which such players suffer, it ought to be the endeavour of the respondents to send maximum players to participate in such events so that they get an opportunity to interact with players from other nations and work towards improving their performance and standards. Utmost encouragement needs to be given to such sports persons. The counter-affidavit filed by respondent No. 2-Sports Authority of India does not explain as to why they decided to send only two players in each category, despite registration being up to 4 players in each category. During the course of hearing, the Court was informed that last year more than 2 players were sent to participate in some other international events. It was also stated by the respondent No. 2-Sports Authority of India that the decision to restrict the number of participants to two in each category was not taken at the level of the Board of Sports Authority of India, but was taken at a lower level. He also informs that Board is headed by the Union Minister of Sports. In these circumstances, the writ petition is disposed of with a direction to respondent No. 2-Sports Authority of India to place the entire matter before its Board within three days from today, for consideration of the matter and if the Board decides to send up to four persons in one or more categories, those who are placed at serial No. 3 and 4 in those categories and are desirous of participating in the event, would be sent immediately after the decision of the Board, so as to enable them to participate in the event. Of course, additional participants can be sent only if so agreed by International Committee of Sports for the Deaf (ICSD). It is

expected that the Board will take an expeditious decision in the matter, considering that the event is to commence this very month.

The writ petition stands disposed of.

A copy of this order be given dasti under the signature of Court Master.