
(2014) 08 DEL CK 0288

In the Delhi High Court

Case No : Writ Petition (Civil) 4956/2014 and CM No. 9926/2014

Saket Wali

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 21-08-2014

Acts Referred:

Citation : (2014) 08 DEL CK 0288

Hon'ble Judges : G. Rohini, C.J.;Rajiv Sahai Endlaw, J

Bench : Division Bench

Advocate : Roma Bhagat, Advocate for the Appellant; Jasmeet Singh, Ashwani Kumar Dubey, D.P. Singh and R.P. Vyas, Advocate for the Respondent

Judgement

Rajiv Sahai Endlaw, J.—This petition filed as a Public Interest Litigation (PIL) impugns the selection trials held on 14th to 17th July, 2014 at Indian Squash Academy, Chennai for selection of Men's contingent for Squash World University Championship scheduled to be held in Chennai from 1st to 7th September, 2014. The petitioner also seeks a direction to the respondent Association of Indian Universities (AIU) to immediately re-notify the selection trials, as per the Eligibility Rules, at a neutral venue outside Tamil Nadu with a Neutral Referee / Selection Committee.

2. It is inter alia the case of the petitioner:

(i) that the respondents AIU, Indian Olympic Association (IOA) and Squash Rackets Federation of India (SRFI) are conjointly, from 1st to 7th September, 2014, organizing at Chennai the event known as Squash World University Championship in which players studying in Universities across the globe are eligible to participate, if they fit, the criteria of AIU / Federation Internationale du Sport Universitaire, Lausanne, Switzerland;

(ii) that participation in the said event was to be decided through open selection trials which were scheduled to be held at Chennai in the end of July, 2014;

- (iii) that the criteria for participation in the said event is of not being more than 28 years of age, having completed or being in the process of completing his/her B.A. within 5 years of finishing 10+2 / matriculation and 4 years from completion of post graduation irrespective of time taken to complete the said B.A. provided that the player must be a bona fide regular student studying in the country of which he/she is a national and must not have failed more than once in any given year and not more than twice during the entire duration of the course in question;
- (iv) however even before holding any open trials for selection, the National Coach started informing that the Indian contingent would consist of Mr. Harinder Sandhu, Mr. Ravi Dixit, Ms. Deepika Pallikal and Ms. Anaka Alankamony;
- (v) that though communication was sent by the respondent AIU to various Universities of the trial scheduled at Chennai from 14th to 17th July, 2014 but at that time a number of Universities were closed for summer break or were going through a process of fresh admissions and had very little time to participate in the selection;
- (vi) that even otherwise since everybody was informed that the team had been pre-selected, the players were reluctant to participate;
- (vii) that the participation was also not encouraged by not paying TA/DA;
- (viii) that one Mr. Rahul Kumar objected to the inclusion of Mr. Ravi Dixit, Mr. Harinder Sandhu in the team as well as inclusion of American students Anaka Anakomany;
- (ix) that though in the previous year one Mr. Ramit Tandon was taken in the team for higher grade Senior World Men Team Championship but he was not even called for the selection trials;
- (x) that Mr. Ravi Dixit and Mr. Harinder Sandhu do not fit into the undergraduate participant's category as they completed their matriculation in 2007 and 2008 respectively and Mr. Ravi Dixit had failed his first year M.A. Economics exam, the results of which were declared on 21st July, 2014;
- (xi) that Mr. Ravi Dixit is also not a bona fide regular student of the college of which he claims to be a student;
- (xii) that there is no grievance redressal mechanism in this regard;
- (xiii) that though the petitioner lodged protest, but to no avail.

3. The petitioner admittedly is not the potential participant in the event, selection whereof is impugned. We have thus enquired from the counsel for the petitioner as to what is the locus of the petitioner to bring this petition interfering with the selections held by the bodies aforesaid competent to select and which interference, by creating uncertainty, may affect the level of preparation for the event. We have further enquired as to why none of the potential participants in the event, who may be aggrieved from the selection, have neither lodged any

protest nor raised a grievance.

4. The counsel for the petitioner except for stating that "they are reluctant", has no answer.

5. We are unable to agree. The Courts are inundated with challenge to various selections for sport events by persons who consider themselves to have been wrongly denied an opportunity of being selected and / or to have been wrongly rejected in the trial. We therefore cannot accept the argument that the aggrieved persons if any have any disability in approaching the Court.

6. Without any aggrieved person being before this Court, we are reluctant to entertain this petition purportedly filed in public interest at the instance of a person who has filed the same on the basis of what the aforesaid Mr. Rahul Kumar is stated to have informed him. Mr. Rahul Kumar has hesitated from himself approaching the Court and of which also there is no explanation.

7. We therefore dismiss this petition on this ground alone, making it however clear that the same will not prevent this Court from examining the matter at the instance of any aggrieved person.