
(2012) 10 CHH CK 0030
In the Chhattisgarh High Court
Case No : Writ Petition C No. 2681 of 2011

Shubham Tejwani

APPELLANT

Vs

State of Chhattisgarh and Others

RESPONDENT

Date of Decision : 05-10-2012

Acts Referred:

Citation : (2012) 4 MPJR 65

Hon'ble Judges : Satish K. Agnihotri, J

Bench : Division Bench

Advocate : Anup Mazumdar, for the Appellant; P.K. Bhaduri, Panel Lawyer for the respondents No. 1 to 3 and Shri Vivek Verma, Advocate for the respondent No. 4, for the Respondent

Final Decision : Dismissed

Judgement

Hon"ble Shri Satish K. Agnihotri, J.—By this petition, the petitioner seeks a direction to the respondent/State to conduct an enquiry about non- selection of the petitioner for participating in 10th National Level School Badminton Sports Meet held at Delhi and to punish the erring officials for dereliction in discharging their official duties. The petitioner further seeks a direction to the respondent authorities to consider the name of the petitioner as participant in the National Level Badminton Sports Meet held at Delhi and to grant him all consequential benefits and also grant compensation of Rs. 50,000/- for illegally striking of his name from the list of selected players who were required to participate in National Level Sports Badminton Meet. The facts of the case, in brief, as projected by the petitioner, are that under School Education Department for encouraging social and cultural activities amongst students, the department organizes several sports meet at School, District, Division and State Level. Accordingly, Badminton Sports meet was organized by Directorate of Public Education for boys and girls under 14 years, 17 years and 19 years. The participants were required to clear District level round and after that the winners in District level are allowed to participate in State level meet. Thereafter, the

winners in the State level are permitted to participate in National Level Games to be held at Delhi.

2. The petitioner is a player of Badminton and has participated in several sports meet at a tender age of 14 years. He succeeded in several sports meet. The petitioner participated in the District Level Meet held at Rajnandgaon, in which he succeeded. Accordingly, the petitioner participated in under 14 years boys category in 10th State School Badminton Sports Meet which was held at Ambikapur during the period from 26.08.2010 to 29.08.2010. According to the petitioner, the petitioner defeat several opponents namely; Sourabh Sen, Ayush Gupta, Rajsingh and others to qualify for National Level Championship, as is evident from the score sheet of the petitioner i.e. Annexure P-1.

3. The respondent No. 4 also qualified from the District Durg to participate in 10th State School Level Badminton Sports Meet to be held at Ambikapur, but the respondent No. 4 lost at preliminary stages of State Level Sports Meet, as he was beaten by Siddhartha Pratap Singh of Raipur, as is evident from Annexure P-2. In spite of the aforesaid facts, the name of the petitioner was not considered for National Level Sports Meet, whereas, the respondent authorities recommended the name of the respondent No. 4 in an illegal and arbitrary manner. After knowing about the said fact, the petitioner obtained several documents under the provisions of the Right to Information Act, 2005 and made a representation before the respondent authorities on 25.04.2011 (Annexure P-3) to consider his case and pass an appropriate order, in accordance with law, but till date no action has been taken. Hence, this petition.

4. Shri Majumdar, Learned Counsel appearing for the petitioner, would submit that the impugned action of the respondent authorities in not selecting the petitioner to participate in National Level Game in School Level Badminton Sports is illegal, arbitrary and unsustainable in the eyes of law. The petitioner qualified in several sports meet conducted in District Level and State Level. Therefore, the petitioner cannot be deprived of his right to participate in National Level Badminton Meet. The selection of the respondent No. 4 in National Level Games is absolutely illegal, as only to accommodate the respondent No. 4, the name of the petitioner has been struck down. Shri Majumdar, would next submit that in Government service, the participants in National Level Sports Meet are considered for appointment on the post of Sports Quota, therefore, the petitioner has been deprived from getting the said benefit also.

5. On the other hand, Shri Bhaduri, learned Panel Lawyer appearing for the State/respondents No. 1 to 3, would submit that the petitioner had participated in the State Level Tournament, which was held in between 26.08.2010 to 29.08.2010 at Ambikapur. The petitioner had played four matches (3 singles and 1 double match) out of which he had won two matches and he had lost the remaining two matches whereas, respondent No. 4 had also played four matches (all 4 singles) out of which the respondent No. 4 had won three matches and had lost only one match. Therefore, considering the fact that the respondent No. 4 had won three

matches and had lost one match whereas the petitioner had won two matches and had also lost two matches the respondent No. 4 was selected for his participation in the National Level Sports Meet. Hence, the petitioner is not entitled to any relief and the petition may be dismissed.

6. Shri Verma, Learned Counsel appearing for the respondent No. 4, adopts the arguments advanced by the Learned Counsel appearing for the State/ respondents No. 1 to 3.

7. I have heard Learned Counsel appearing for the parties, perused the pleadings and the documents appended thereto.

8. The State has filed a score sheet in support of the averments made in the return that the petitioner (Shubham - Rajnandgaon) had played four matches (3 singles and 1 double match) out of which he had won two matches and lost the remaining two matches whereas, the respondent No. 4 (Shubham - Durg) had also played four matches (all singles) out of which the respondent No. 4 had won three matches and had lost only one match. It is for the Sports authorities to consider who will be the better candidate for representation at the national level competition.

9. The contention of the petitioner that he had succeeded in several matches is vague and selection cannot be made on the basis of success in one or two matches. Thus, the contention of the petitioner is noticed to be rejected. National Sports meet had also taken place some times in the year 2010 and on that count also the petition has become academic. Even otherwise, the petitioner has failed to establish malice in facts or in law. As an upshot, the writ petition, sans substratum, is liable to be and is hereby dismissed, leaving the parties to bear their own costs.