

Roli Pathak vs Union of India

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Court : Kerala

Decided On : Oct-28-2023

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/35357/2023

Appellant : Roli Pathak

Respondent : Union of India

Judgement :

CR

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN SATURDAY, THE 28TH DAY OF OCTOBER 2023 / 6TH KARTHIKA, 1945 WP(C) NO. 35357 OF 2023 PETITIONERS:

1 ROLI PATHAK, AGED 21 YEARS, D/O. SANTHOSH PATHAK, RAJIV GANDHI INDOOR STADIUM KHELO INDIA VOLLEYBALL ACADEMY, MALLASSERY, PATHANAMTHITTA, KERALA, PIN - 689646 2 P. ANANYA SREE, AGED 21 YEARS, D/O. P. ANAND, RAJIV GANDHI INDOOR STADIUM KHELO INDIA VOLLEYBALL ACADEMY,

MALLASSERY, PATHANAMTHITTA, KERALA, PIN - 689646 3 ALNA RAJ, AGED 21 YEARS, D/O. RAJDAS V. P., VELIKKAKATH HOUSE, KIZHAKKUMPURAM, CHENDAMANGALAM P.O, ERNAKULAM, KERALA, PIN - 683512. 4 ANAND. K, AGED 21 YEARS, S/O. MADHUSUDANAN K. V., NIKKUNATH HOUSE, PERUL P.O., MM BAZAR, PAYYANNUR, KANNUR, KERALA, PIN - 670306 5 HARILAL. S. T., AGED 61 YEARS, S/O. K. THANKAPPAN, LALS BHAVAN, PERUNGUZHI P.O., THIRUVANANTHAPURAM, KERALA, PIN - 695305 6 KISHORE KUMAR E. K., AGED 44 YEARS, S/O. KUMARAN E. K., INDRAPRASTHAM, THIRUVANIYOOR, ERNAKULAM, KERALA, PIN - 682308 7 LALUMON J., AGED 43 YEARS, S/O. JOHN, CHERUVILE PADINJATTETHIL, KOTTARA, MEEYANNUR P.O., KOLLAM, KERALA, PIN - 691537 8 NAVAS VAHAB, AGED 43 YEARS, S/O. ABDUL VAHAB, NELLIMALA HOUSE, ANAKKAL P.O., KANJIRAPPALLY, KOTTAYAM, KERALA, PIN - 686508 9 TOM JOSEPH, AGED 42 YEARS, S/O. JOSEPH KUNNAPPALLI, KUNNAPPALLI HOUSE, THIRIPUNITHURA P.O., ERNAKULAM DISTRICT, KERALA, PIN - 682301 BY ADVS. ROSHEN.D.ALEXANDER TINA ALEX THOMAS HARIMOHAN KOCHURANI JAMES

RESPONDENTS:

1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF YOUTH AFFAIRS AND SPORTS, DEPARTMENT OF SPORTS, SHASTRI BHAWAN, NEW DELHI, PIN - 110001 2 INDIAN OLYMPIC ASSOCIATION, OLYMPIC BHAWAN, B-29, QUTAB INSTITUTIONAL AREA, NEW DELHI, REPRESENTED BY ITS SECRETARY GENERAL. EMAIL: IOA@OLYMPIC.IND.IN, PIN - 110016 3 ADHOC COMMITTEE - VOLLEYBALL FEDERATION OF INDIA APPOINTED BY THE INDIAN OLYMPIC ASSOCIATION, OLYMPIC BHAWAN, B-29, QUTAB INSTITUTIONAL AREA NEW DELHI REPRESENTED BY ITS CHAIRMAN. EMAIL: ADHOC.COMMITTEE.VFI@GMAIL.COM, PIN - 110016 4 VOLLEYBALL FEDERATION OF INDIA, ROOM NO. 72, JAWAHAR LAL NEHRU STADIUM, CHENNAI (T.N.) REPRESENTED

BY ITS SECRETARY GENERAL - 600003 5 STATE OF KERALA, REPRESENTED BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, DEPARTMENT OF SPORTS AND YOUTH AFFAIRS, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 6 KERALA STATE SPORTS COUNCIL, YMCA ROAD, STATUE, THIRUVANANTHAPURAM REPRESENTED BY ITS SECRETARY, PIN - 695001 *7 NATIONAL GAMES TECHNICAL CONDUCT COMMITTEE (GTCC), 37TH NATIONAL GAMES 2023-GOA, THROUGH ITS CHAIRMAN SRI. AMITABH SHARMA, ON BEHALF OF INDIAN OLYMPIC ASSOCIATION, OLYMPIC BHAWAN, B-29, QUTAB INSTITUTIONAL AREA, NEW DELHI - 110 016 *8 NATIONAL GAMES ORGANIZING COMMITTEE, THROUGH ITS CEO AND SECRETARY OF SPORTS (GOA) SMT. SWETIKA SACHAN, OFFICE OF THE SECRETARY (SPORTS), GOVERNMENT SECRETARIAT, GOVERNMENT OF GOA, PORVORIM, GOA - 403 521 (ADDITIONAL RESPONDENTS 7 AND 8 ARE IMPEADED AS PER

ORDER IN I.A.NO.1/2023 DATED 28.10.2023)

BY ADVS. SMT LATHA ANAND-SC SRI PIYUSH KUMAR-SC(IOA) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: CR

JUDGMENT

The National Games for the year 2023 have already begun. Going by the schedule of Games, the competition in the discipline of Volleyball is between 02.11.2023 and 06.11.2023 at Panaji. However, it transpires that a decision was taken by the 3 rd respondent - which is stated to be the Adhoc Committee in charge of the Volleyball Federation of India (Federation for short) - to cancel the championships, solely because there are internal rifts between the persons in the administration of the said Federation.

2. I do not propose to go into the details of the conflict

within the Volleyball Federation of India; but suffice to say, the learned Standing Counsel for the 2nd respondent - Indian Olympic Association, Sri.Piyush Kumar, explained that because of this, his client had to appoint the 3rd respondent - Adhoc Committee, in June

2023. He then explained that the Adhoc Committee is focused on

conducting elections to the Federation and that since they were also busy with the just concluded Asian Games, they obtained no time to devote for selection of team to the National Games. He then added that, therefore, the Volleyball competitions have been cancelled for the National Games; and that a National Championship for the said discipline is now proposed, but was unable to inform this Court the specific dates for the same. In fact, his submissions were that it is only after the office bearers of the Federation are properly elected, can the same be done.

3. It is rather distressing that persons like the petitioners -

who are Volleyball players and were training hard for the National Games for the last several months - have been placed in the present predicament. Their chance to participate in the prestigious National Games has been now thwarted, solely because there are conflicts among persons who were expected to be in administration of the

Federation. This power conflict has unfortunately reached a situation where the competition in Volleyball itself has been taken out of the National Games; and one wonders whether it would be of any consolation for the petitioners, that it would be substituted by a National Championship, to be held sometime in the future, depending upon the elections to be conducted within the Federation.

4. I do not propose to speak any further, because it would

be of no consequence now because, Sri.Piyush Kumar affirmatively says that the competitions in Volleyball for the National Games have been cancelled, through a letter issued by the 3rd respondent to the Game Administrators, on 21.10.2023.

5. However, this Court will not be found in error to have

expected the Indian Olympic Association to have kept the itinerary of the National Games in mind, while appointing the 3rd respondent, who certainly could have then conducted the trials, they being now in charge of the Federation. The explanation given to this - that they were busy with the conduct of elections to the Federation and the Asian Games - certainly, offers little solace to the petitioners and other players.

6. Therefore, since the competition in Volleyball for the

National Games is stated to have been already cancelled, it would serve no purpose for this Court to ask the Kerala State Sports Council to send any team, even though their learned Senior Counsel, Sri.K.Anand, instructed by Smt.Latha Anand - learned Standing Counsel, affirmed that a fully trained team is available, who could have taken part in the Volleyball competition with full expectations of bringing back laurels to the State. The learned Senior Counsel added that, in fact, last year, the Kerala Team - both men and women - had brought Gold Medals in Volleyball to Kerala; and he was very passionate when he asserted before this Court that it is

rather unfortunate that the internecine disputes within the Federation has now reached a situation where the players are forgotten and their legitimate aspirations jettisoned.

7. In the afore scenario, this Court can do nothing more than

to hold empathy for the situation of the petitioners; but before parting, it is necessary to say that, in the interest of the game, the Indian Olympic Association ought to have resolved the disputes within the Federation, keeping in mind the schedule of National Games and without disturbing it; but alas, this has not been done, but they appear to have chosen the easier path of cancelling the competition in Volleyball itself.

This Writ Petition is thus closed. Sd/- RR DEVAN RAMACHANDRAN JUDGE
APPENDIX OF WP(C) 35357/2023 PETITIONER EXHIBITS Exhibit P1 A TRUE
COPY OF ORDER BEARING NO. 48- BY THE 1ST RESPONDENT TO THE 2ND

RESPONDENT Exhibit P2 A TRUE COPY OF THE OFFICE ORDER BEARING NO. IOA/VFI/1-26/2023/1355 DTD. 13.06.2023 ISSUED BY THE 2ND RESPONDENT Exhibit P3 A TRUE COPY OF THE LETTER DTD. 14.06.2023 WRITTEN BY FIVB TO THE ERSTWHILE PRESIDENT OF THE 4TH RESPONDENT FEDERATION Exhibit P4 A TRUE COPY OF THE LETTER DTD. 26.06.2023

ISSUED BY THE INDIAN OLYMPIC ASSOCIATION TO THE PRESIDENT/SECRETARY GENERAL OF ALL NATIONAL FEDERATIONS Exhibit P5 A TRUE COPY OF THE SCHEDULE OF EVENTS OF THE 37TH NATIONAL GAMES GOA - 2023

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