

OFFICE OF THE RETURNING OFFICER

W.F.I. ELECTIONS 2023.

**(In the matter of formation of Electoral College-
Telangana State)**

**Telangana Amateur Wrestling Association (Hamza Bin
Omer, party One) and Telangana Amateur Wrestling
Association (M.A. Hafeez Khan, party Two)**

Coram: Justice Shri M.M. Kumar,
Former Chief Justice, J&K
High Court and Returning
Officer, WFI Elections 2023

Present: Representatives of party
One, Party Two and
Wrestling Federation of
India

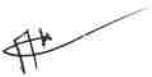
Date: 21/07/2023

ORDER

The Election process for conducting the election of the Executive Committee of Wrestling Federation of India was issued on 13.06.2023 notifying various stages and their dates. It was also notified that recognized and eligible Wrestling Federations of the State/UT were to nominate two of their Executive Member as their representatives by 19.06.2023 (later extended to

25.06.2023). This was in keeping with Article XIII (b) & (d) of the Constitution of the Wrestling Federation of India which provided that each of the eligible Wrestling Federations were required to nominate two Executive Members of their unit to represent that State/UT in the elections. The members so nominated by the State/UT units were to constitute Electoral College and to enable them to vote to elect a new Executive Committee of the Wrestling Federation of India.

On the last date of the receipt of such nominations Hon'ble Gauhati High Court issued interim directions by its order dated 25.06.2023 (Sunday) not to proceed with the election of the Executive Committee of Wrestling Federation of India. It is appropriate to mention that as per the election notifications dated 13.06.2023/21.06.2023, the nominations received for Electoral College were to be finally prepared and displayed by the Returning Officer on 27.06.2023 by 1:00 P.M. On account of interim directions issued by the Gauhati High Court, the election process came to standstill. However, the aforesaid interim direction of Gauhati High Court has now been challenged before the Hon'ble Supreme Court in the case titled Andhra Pradesh Amateur Wrestling Association V. Assam Wrestling



Association in an SLP, diary no. 25626/2023. A communication to that effect has been received on my office mail from Sh. Hemant Raj Phalpher, Advocate late in the evening on 18.07.2023 disclosing that the Hon'ble Supreme Court has stayed the interim direction issued by the Gauhati High Court on 25.06.2023 & a copy of order dated 18.07.2023 has also been sent. Accordingly, we proceed from the stage where we were on 25.06.2023 namely final constitution of Electoral College on the basis of two Executive Members nominated by the State / UT units. . The rescheduled process from that day onwards is being issued separately.

There are some state units where rival factions have claimed right to nominate members to constitute Electoral College. State of Telangana is also one of those States. Accordingly, it was decided to hear their point of view on 21.06.2023. The rival factions from the State of Telangana being the State units were heard. The order was reserved because Indian Olympic Association [IOA] and WFI sought and were granted five days time to resolve the issues themselves between rival factions citing the reason to avoid embarrassment at international level. Then on 25/06/2023 the Gauhati High Court stayed the election process by an interim

order but the same was vacated by the Hon'ble Supreme Court of India (supra). In the mean while no communication from WFI / IOA has been received to show any resolution of disputes. Therefore the order is pronounced today. A copy of the Order is being sent to the respective parties on their E-mail address and the same can be seen on the website: – <https://olympic.ind.in/>, <http://wrestlingfederationofindia.org/>

Two sets of nominations dated 14.06.2023 and 15.06.2023 were received from the State of Telangana. One was received from Telangana Amateur Wrestling Association i.e. Party No.1. Shri Hamza Bin Omer and Shri K. Narsing Rao nominated themselves being the President and General Secretary respectively. The other set of nominations were received from Party No. 2. Shri M.A Hafeez Khan and Shri M.D Kareem nominated themselves being President and General Secretary respectively.

In terms Article (IV) of the Constitution of WFI only two Executive Members can be recommended as its representative and they could vote at the election. Therefore on 15th June 2023 a notice was issued to each

of the factions to file their clarifications/evidence to substantiate respective claims before the undersigned;

The Party No. 1 led by Shri Hamza Bin Omer, was represented by Sh. MD Aslam, Sh. K Narsing Rao and others. During the course of hearing, it was submitted that they represent the real Association, recognized by both the bodies namely the WFI and the State Olympic Association. According to them the other faction has conducted the election by resorting to manipulation and has no such affiliation or recognition from WFI / State Olympic Association.

Party No. 2 led by Sh. M.A Hafeez Khan was represented by Sh. MD Kareem, Sh. Srinivas and others. It has been admitted that they had conducted election on 16.10.2022 wherein, out of total 33 districts, only 9 district participated in the elections. It has also been admitted that they do not have affiliation with the WFI and the State Olympic Association.

From the records of the WFI it was found that (Party No.1) Shri Hamza-Bin-Omar and Shri K. Narsing Rao are respectively the President and General Secretary of the Telangana unit of the Wrestling Federation. Party No.1 is also recognized by the State Olympic Association.

In respect of Party No.2 the record of the WFI reveals that on 19.10.2022, an emergency meeting was held in which Shri Md. Kareem was elected as the General Secretary but the meeting itself was found to be held without following due process of law as the provisions of Article 14 of the Constitution of WFI was not followed as less than 50% of the Districts of the State participated in the election. It is clear record that out of 33 districts only 9 districts of Telangana participated in the election. A close examination of record further reveals that the decision of the Party No.2 of the state unit of holding the election was not approved by the WFI on a number of technical issues, including non compliance of quorum for holding election; election was not called by the Returning Officer of the election; change in the name of the state unit etc.

A complaint was filed by Adv. Shri Durga Prasad Dixit, on behalf of Shri T.Gulab Singh, that Shri Hamza-Bin-Omar, President of the State Wrestling Federation is aged over 70 years and as a proof thereof a copy of the passport of President (Mr. Hamza Bin) has also been filed. He has also filed a notarized affidavit supporting his complaint.



I have considered the submissions made by both the factions in writing as well as orally. I have also perused the complaint referred to above. Mr. Bhupender Singh Bajwa, Member Ad-hoc Committee and other WFI representatives are also present with the record. Based on the report of the WFI and on the basis of the admission made by Party No.2 led by Mr Hafeez Khan, I find that it is not a bonafide unit of the WFI in the State of Telangana as it has not been recognized either by the State Olympic Association or the WFI. According to Article XXIV (f) only Party No.1 satisfies the mandatory requirements of affiliation / recognition by State Olympic Association and WFI. Thus Party No.2 clearly fails to satisfy the eligibility criteria. It could not be disputed by Party No.2 that its elections involved only 9 districts out of total 33 districts. Whereas Article 14 of the Constitution of WFI provides that not less than 50% of the districts should participate in the election. As regards the complaint against Shri Hamza is concerned, the matter was examined and it was found that he does not suffer any disability on the ground that he is 70 years of age. The age bar is only for contesting for the posts of President, Secretary General and Treasurer of Wrestling



Federation of India. Therefore, there is no substance in the complaint which is hereby rejected.

As a sequel to the above discussion, I hold that the nomination filed by Party No.1 led by Shri Hamza-Bin-Omer and Sh. K. Narsing Rao be included in the electoral college of the WFI for the ensuing election and the claim made by Party No.2 is hereby rejected being devoid of any merit.



**[Justice M.M. Kumar]
Returning Officer &
Chief Justice, High Court of J&K [Retd.]**

**M.M. Kumar
Chief Justice, J&K High Court (Retd.)
Returning Officer
WFI Elections 2023**