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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 13367/2023 & CM APPL. 52779/2023**

UGEN GURUNG & ORS.

..... Petitioners

Through: Mr. J P Sengh, Senior Advocate with
Mr. Radhe Shyam Sharma, Mr.
Dibyanshu Pandey, Mr.
Veeraraghavan N, Ms. Soumya
Kumar, Mr. Shashank Sharma,
Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Anil Soni, CGSC with Mr.
Devvrat Yadav, GP
Mr. Rahul Mehra, Sr. Advocate with
Mr. Saurabh Jain, Mr. Chaitanya
Gosain, Mr. Anand Thumbayil and
Mr. Prayag Jain, Advocates for R-5.
Mr. Vikash Singh, Mr. Sagar
Chaurasia and Mr. Piyush, Advocates
for IOA.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

20.10.2023

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1. Petitioners have approached this Court with the following prayers:

“a. Issue writ, order and / or direction in the nature of mandamus thereby directing the Respondent No. 1 , 2 and 6 to allow the Petitioners and all other deserving players to participate in the 37th National Games, Goa scheduled to be held from 25th Oct'2023 through

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impartial approach giving equal opportunity to all deserving players and its events be conducted by an impartial committee until one NSF duly affiliated to World Taekwondo as well as Respondent No.1 & 2 is decided and quash the illegal recognition vide letter vide no. F.No.72- 3/2023-SP-I dated 17.03.2023 of Respondent No.1 granted to Respondent no.5 and illegal affiliation through letter vide no. IOA/I-23/2023/1323 dated 19.05.2023 of IOA /Respondent No.2 granted to Respondent no.5 which have created confusion and deprivation to the genuine players.

b. Issue writ, order and / or direction in the nature of mandamus thereby directing the Respondent No. 1 , 2 and 6 to not to allow the list of players of Respondent No.5 declared on 16/09/2023 which deprives the genuine deserving players and also not to allow Respondent No.5 to conduct the events in the 37th National Games, Goa as the same is likely to further complicate the issue and lead to chaos and further deprivation of the deserving and genuine players.

c. Issue writ, order and / or direction in the nature of mandamus thereby directing the IOA i.e. Respondent No.2 to abide by the mandates of General Assemblies of IOA / Respondent No.2 dated 22.12.2018 & 30.12.2019 and decisions of the Ethics Commission of IOA dated 08.02.2022 to complete the reinstatement process thereby to achieve good governance in Taekwondo to save the interest of its players.

d. Issue writ, order and / or direction in the nature of mandamus thereby directing the Respondent No. 1 & 2 to not to affiliate or recognise any National Federation for Taekwondo whose elections are not held in strict compliance of the NSDC'2011 and not eligible as per the IOC Charter.



AND/OR

Issue any further order/orders or appropriate writ or direction/directions as this Hon'ble Court may deem fit and appropriate with regards to the facts and circumstances of the case.”

2. The Petitioners herein are players who seem to have been caught in the cross-fire between the various associations and have not participated in the National Championship organized by Respondent No.5 and, therefore, they have not been permitted to participate in the 37th National Games to be held at Goa.

3. It is stated that there are three rival Associations which claim to represent the interest of Taekwondo players in this country, namely, the Respondent No.3, i.e. the India Taekwondo; the Respondent No.4, i.e. Taekwondo Federation of India through its Secretary General Mr. Prabhat Kumar Sharma and the Respondent No.5, i.e. Taekwondo Federation Of India through its Secretary General Mr. R. D. Mangueskar.

4. This Court *vide* Order dated 28.04.2022 passed in W.P.(C) 11674/2019, after noticing the disputes between the various federations for the game of Taekwondo, passed the following order:

“5. The writ petition therefore deserves to be allowed by appointing a Court Commissioner-cum-Returning Officer for the purpose of conducting elections for the executive committee of the Taekwondo Federation of India. With the consent of the parties, the writ petition alongwith all pending applications is accordingly allowed by issuing the following directions:

i. Hon'ble Mr. Justice Sistani (+91-9871300034) a retired judge of this Court is appointed as the



Court Commissioner-cum- Returning Officer for holding the elections to the executive committee of the Taekwondo Federation of India.

ii. The elections will be held preferably within a period of two months from today. It will be open for the learned Court Commissioner to appoint officials of the respondent nos.1, 2 or 4, as observers to oversee the elections if deemed necessary.

iii. The learned Court Commissioner-cum-Returning Officer will for the present be paid a sum of Rs.5 lakh as honorarium besides secretarial expenses. Keeping in view the fact that as on date, there is no recognized National Sports Federation for the sport of Taekwondo which is receiving any grant from the respondent no.1, it is directed that this amount will be borne equally by the IOA and the respondent no.1. However, in case the task being entrusted to the learned Court Commissioner is not completed within a period of two months, it will be open for the parties to move an application to seek enhancement of the honorarium.

iv. The learned Court Commissioner will proceed on the basis of the Electoral College prepared by the Hon'ble Mr. Justice R.S.Sodhi (Retd.) on 04.05.2016, alongwith the amendments made in the Electoral College during the elections held in June, 2016 under the supervision of Hon'ble mr. Justice M.L. Mehta.

v. It will, however, be open for the learned Court Commissioner-cum- Returning Officer to further amend the Electoral College upon an application by any party, including a person who is not before



this Court. The decision of the learned Court Commissioner on this aspect will be treated as final.

6. Before I conclude, in order to safeguard the interests of the players, it would be necessary to pass orders to ensure selection of the Indian team/players to represent the country in international Taekwondo events till such time, when a duly elected federation is appointed as the National Sports Federation by the respondent no.1. It is the common case of the parties that vide its communication dated 11.09.2015, the Ministry of Sports and Youth Affairs had directed the Sports Authority of India (SAI) to carry out the selections of the Taekwondo team to represent the country which directions have been reiterated as recently as on 05.04.2022 and 20.04.2022 . Keeping in view the fact that the respondent no.4/SAI appears to have not taken its responsibility seriously in the recent past, it would be in the interest of justice to direct the respondent no. 4 to make timely selection of players for representing the country in international events of Taekwondo for representing the country by consulting one of the following three renowned players of taekwondo, whose names have been unanimously suggested by the parties:-

- a) Mr.Rakesh Singh (Contact No. 9342995116)*
- b) Mr.Sandeep Kundu (Contact No. 7986686312)*
- c) Ms.Seema Deswal (Contact No. 9871034103)*

7. Once the elections of the Taekwondo Federation of India are held in accordance with this order, it is expected that the respondent no.1 will take expeditious steps to recognise a suitable federation as the National Sports Federation for the sport of Taekwondo.

8. It is expected that the World Taekwondo, while inviting Indian Players/Teams for international events,



will also take into account the directions issued in this order.”

5. In terms of the Order passed by this Court, elections of Taekwondo Federation of India were conducted under the supervision of a retired Judge of this Court. It is stated that the result of the elections are under challenge before this Court, however, the same have not been stayed. It is stated that in terms of the Order passed by this Court and pursuant to the elections, a Committee has been formed on 14.11.2022 to look after the interest of Taekwondo players in the country and the same has been recognised by the Indian Olympic Association and the Ministry of Youth Affairs as a body to represent the Taekwondo players in the country.

6. Since the National Games are to be held in Goa from 31.10.2023 to 03.11.2023, the short question which arises for consideration at this juncture is regarding the permission to participate in the 37th National Games to be conducted at Goa in the discipline of Taekwondo.

7. The top eight players who have participated in the National Championship conducted by Respondent No.5 have automatically been selected to participate in the 37th National Games. The Petitioners herein who have not participated in the National Championship have, therefore, not even been considered.

8. In the interest of justice and with the consent of learned Counsel for the Petitioners, Respondent No.5 and the Indian Olympic Association, it is directed that Respondent No.5 shall conduct fresh trials for selecting one player in each weight category for both male and female category except for 67 Kg. female category. After the trials, one player be selected in each weight category for both male and female who would be given a wild card



entry to participate in the National Championship. A draw of lot be conducted amongst the players already selected to determine the player who will contest with the wild card and the winner in the bout will proceed to the next round to compete with the other seven contestants and proceed further.

9. Union of India is directed to bring out a public notification not later than 22.10.2023 specifying the venue and time of the trials. The Petitioners and all the other participants throughout the country, who have not participated in the National Championship organized by the Respondent No.5 herein, are permitted to participate in the trials.

10. Let the trials be conducted in terms of the orders of this Court.

11. List on 08.11.2023.

SUBRAMONIUM PRASAD, J

OCTOBER 20, 2023

Rahul