

AND

1. Neredimelli Deepshika.

Respondent in IA Nos. 2 & 3 of 2023

2. State of Telangana, Represented by its Principal Secretary, Sports and Youth Services Department, Secretariat Buildings, Hyderabad.
3. Badminton Association of Telangana (BAT), Pullela Gopichand Badminton Academy, Represented by its Honorary Secretary, Survey No.91, Gachibowli, Hyderabad, Telangana - 500032.
4. Badminton Association of India, (BAI), (Affiliated to Badminton World Federation and Badminton Asia Confederation), Represented by its Honorary Secretary, BAI Office: D-6/10, Ground Floor, Vasant Vihar, New Delhi – 110057.
5. Manchala Keerthy

**...Respondents in IA Nos. 2 & 3 of 2023
(Writ Petitioner & Respondent Nos.1 to 4 in-do-)**

IA No. 2 OF 2023:

Petition under 16A of Writ Rules praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to implead the petitioner herein as Respondent No. 5 in the Writ Petition No. 25622 of 2023 and also in I.A. No. 1 of 2023, pending disposal of WP No. 25622 of 2023, on the file of the High Court.

IA No. 3 OF 2023:

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Vacate the stay granted by the Hon'ble High Court in I.A. No. 1 of 2023 by its order dated 13.09.2023 in the Writ Petition No. 25622 of 2023 and dismiss the Writ Petition with cost, pending disposal of WP No. 25622 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 13.09.2023 made in W.P.No.25622 of 2023 and upon hearing the arguments of Sri K.R.Sasidharan Nair, Advocate for the Petitioner in IA.No.1 of 2023 and Respondent No.1 in IA.Nos.2 and 3 of 2023, Sri L.Ravichander, learned Senior Counsel appearing for M/s Mayur Mundra, Advocate for the Petitioner in IA.Nos.2 and 3 of 2023 and GP for Sports for the Respondent No.1 in IA.No.1 of 2023 & Respondent No.2 in IA.Nos.2 and 3 of 2023, the Court made the following

ORDER

This Writ Petition is filed seeking the following relief:-

“...issue a writ or order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of respondent No.2 in not considering and selecting the petitioner as qualified player in the Final List of Sub Junior

Nationals (U15 and 17 years) at Jwalagutta Entries from Telangana State held at Jwala Gutta Badminton Academy, Hyderabad from 14th to 19th September, 2023, U-17 Girls Singles, list published on 11.09.2023 at 6:17 p.m. (GMT+05.30) at Tournament Software though the petitioner is otherwise qualified and stood as Winner/State First Place in the 9th Telangana State Sub-Junior (U-17 years) Badminton Championship, held at Chetan Anand Sports Center, Hyderabad from 1st to 4th September, 2023 as per the Merit Certificate, dated 04.09.2023 and including the name of respondent No.4 herein, who stood as State SF (i.e. State Semi Finalist) in respect of Yonex-Sunrise 35th Sub-Junior National Badminton Championships, 2023 being organized by respondent No.2 and sanctioned by respondent No.3 (Boys and Girls Under 15 and 17 years age group) to be held from 14th to 19th September, 2023, allegedly in pursuance of the letter issued by respondent No.3, dated 22.04.2023 to respondent No.2 alleging that the petitioner has two birth certificates/birth records, which was forwarded through e-mail to the petitioner by the then Secretary of respondent No.2 without any notice or without considering the explanation submitted on behalf of the petitioner, dated 26.04.2023, as illegal, arbitrary, unjust, violative of principles of natural justice and in violation of Articles 14, 16 and 21 of the Constitution of India...”

The case of the petitioner is that her date of birth is 09.01.2008 and she is eligible to participate in the Yonex-Sunrise 35th Sub-Junior National Badminton Championships, 2023 (hereinafter referred as “tournament”) being organized by respondent No.2 and sanctioned by respondent No.3 (Boys and Girls Under 15 and 17 years age group) to be held from 14.09.2023 to 19.09.2023. It is the further case of the petitioner that basing on the date of birth certificate obtained by the Badminton Association of Telangana, she was disqualified to participate in the tournament.

On 13.09.2023, this Court, on verification of the SSC Memo and also the passport which correlates with the date of birth certificates issued by the Municipal Corporation has granted interim orders directing the respondent No.2 to permit the petitioner to participate in the tournament to be held from 14.09.2023 to 19.09.2023.

Today, I.A.Nos.2 and 3 of 2023 are filed by one Praanjala Nisarga, seeking to permit her to implead her as respondent No.5 in the writ petition and to vacate the interim order granted by this Court on 13.09.2023, stating that by virtue of the interim orders granted by this Court on 13.09.2023, her name was deleted from the selected list.

The case of the implead petitioner is that the writ petitioner is disqualified since two date of birth certificates produced by her are not genuine. It is the further case of the implead petitioner that on the letter addressed by the General Secretary of respondent No.2 association, the Commissioner, Suryapet Municipality, has issued a letter No.F2/1628/2023, dated 06.09.2023 stating that respondent No.2 has sought for certified report and documents for registration of date of birth of the writ petitioner i.e., Neredimelli Deepshika, D/o. Neredimelli Pradeep and Smt. Neredimelli Haritha and also stated that the writ petitioner has two date of birth certificates registered in Suryapet Municipality *vide* Registration Numbers 1003/2007, dated 14.07.2007 and 6059/2008, dated 04.04.2008. It is further stated in the letter that on verification of the above registration numbers, it is found that Smt. Shailaja W/o. Ramesh (Child: Gender:Female) is appearing on Registration No.1003/2007 and Smt. Bujji, W/o. Sudhakar (Child: Gender-Male) is appearing on Registration No.6059/2008.

Admittedly, it is the case of the writ petitioner that her date of birth is 09.06.2007 mentioned in Registration No.1003/2007 issued on 15.02.2023. There is variation in the date of birth certificates produced by the writ petitioner issued by the Suryapet Municipality and the entries made in the school records to show that the writ petitioner is qualified to be participated in the tournament.

Learned counsel for the writ petitioner has vehemently contended that no enquiry has been conducted by respondent Nos.2 and 3 with regard to the date of birth certificates of the writ petitioner and since relying upon the information furnished by the Suryapet Municipality they have disqualified the writ petitioner, in fact in the school records and the passport, the date of birth of the writ petitioner is correctly recorded and the same tallies with the certificates issued by the Suryapet Municipality and therefore, respondent Nos.3 and 4 are not having power to disqualify the petitioner to be participated in the tournament.

Sri L.Ravichander, learned Senior Counsel appearing for the implead petitioner has vehemently contended that the writ petitioner has produced two date of birth certificates, which are not genuine and even as per the letter issued by the Medical Superintendent, Government General Hospital, Suryapet, the birth details on the name of Neredimelli Haritha mother of Ms.Deepshika Neredimelli (writ petitioner) were not found in the medical records maintained by the hospital, as such whatever the documents produced by the writ petitioner are not genuine and only to participate in

the tournament the writ petitioner has manipulated the date of birth certificates. Therefore, the writ petitioner is not entitled to participate in the tournament.

Since there is serious dispute with regard to the date of birth certificates produced by the writ petitioner, this Court instead of examining which date of birth certificate is correct, directs the respondent No.2 to allow both the writ petitioner and the implead petitioner to participate in the tournament, subject to outcome of the writ petition.

List on 11.10.2023 for filing counter affidavits in I.A.Nos.2 and 3 of 2023.

The learned counsel for the implead petitioner is permitted to communicate this order to the respondent No.2.

**SD/- A.V.S.PRASAD
ASSISTANT REGISTRAR**

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SECTION OFFICER

To,

1. The General Secretary, Badminton Association of Telangana (BAT), Pullela Gopichand Badminton Academy, Survey No.91, Gachibowli, Hyderabad, Telangana - 500032
2. Prateeka Nisarga W/o Dr. Nisarga, (representing Praanjala Nisarga, D/o Dr. Nisarga, Occ: Student, BAT ID: 27059), being Natural Guardian and Mother, R/o. Villa No.20, Aparna Cyber County, Gopanpally, Hyderabad, Ranga Reddy, Telangana- 500107 (1 & 2 By RPAD)
3. One CC to M/s MAYUR MUNDRA, Advocate [OPUC]
4. One CC to Sri K.R.SASIDHARAN NAIR, Advocate [OPUC]
5. Two CCs to GP FOR SPORTS, High Court at Hyderabad. [OUT]
6. One spare copy

HIGH COURT

CVBR,J

DATED:14/09/2023

**LIST ON 11.10.2023 FOR FILING COUNTER
AFFIDAVITS IN I.A.NOS.2 AND 3 OF 2023**

ORDER

**IA Nos. 2 & 3 OF 2023
IN/AND
WP.No.25622 of 2023**



DIRECTION