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

% Judgment delivered on: 18.05.2023

+ W.P.(C)6729/2023 & CM APP No. 26310/2023, CM APP No.
26311/2023

SHRUTI SHARMA

..... Petitioner

versus

UNION OF INDIA & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Sanjay Kumjar and Mr. Shailednra
Singh, Advocate

For the Respondent : Dr. Amaresh Kumar and Mr. Kunal
Yadav, Advcoates
Mr. Anil Soni, CGSC for R-1
Mr. Swastik Singh, Mr. C. M. Maini,
Mr. Mayank Maini and Mr. B. K.
Wadhwa, Advocates for R-4

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

The matter has been received on transfer.

1. The cause list reflects the name of the petitioner incorrectly as 'Shruti Singh' whereas the correct name of the petitioner as per the memo of parties is 'Shruti Sharma'. The Registry is directed to correct the error.

2. Petitioner submits that she is a *Karateka* and is interested in participating in the upcoming 19th Asian Games, to be held in

Hangzhou, China in the months of September-October, 2023.

3. The petitioner has detailed, in her petition, the credentials so far as the sport of karate is concerned, in that, she has won many medals and commendations in the particular sport.

4. Learned counsel appearing for the petitioner submits that in view of the impending 19th Asian Games to be held in the month of September-October, 2023, time for the purpose of selection of a competent team as also for the purposes of training and practice is getting closer day by day.

5. Learned counsel appearing for the petitioner submits that there is no National Federation recognized by the Ministry of Youth Affairs and Sports, and as such no association is controlled by the Ministry nor are they bound by the National Sports Development Code of India, 2011. The petitioner also submits that due to such lacuna, the sport by itself, as also the sports persons in Karate, are immensely suffering.

6. Learned counsel appearing for the petitioner submits that the petitioner would not agitate or press the prayers made in the present petition, as of now, and restricts only to the limited prayer that the Sports Authority of India which has been directed by the Ministry of Youth Affairs and Sports, vide the letter dated 15.05.2023 to constitute a selection committee and proceed with the selection of the team for the sport of Karate to represent India in the impending 19th Asian Games to be held in Hangzhou, China.

7. Mr. Soni, learned counsel appearing for the respondent No.1 submits that, indeed, in the absence of recognized national federation as

contemplated under the National Sports Development Code of India, 2011, no association stating to be representing the interest of sport of Karatem has been recognized in India. It was due to such, lacuna that the letter dated 15.05.2023 was sent to the Sports Authority of India.

8. This Court is not, at present, concerned with the contentions raised in the present petition and not entering into the *inter se* disputes, if any, between the respondent Nos.3 & 4.

9. All that the petitioner seeks is a direction for such constitution of a Selection Committee.

10. In view of above, this Court is of the considered opinion that in terms of the letter dated 15.05.2023 written by the Ministry of Youth Affairs and Sports, Department of Sports, Government of India/respondent No.1 to the Director General of Sports Authority of India, to constitute, in terms of the said letter, a Selection Committee consisting of players and senior SAI coach in order to select a competent team to represent India in respect of sport of Karate in the impending Asian Games to be held in the months of September-October, 2023.

11. The Director General, SAI will constitute a Selection Committee as aforesaid and as stipulated in the letter dated 15.05.2023 within one week from today, which shall, after such constitution proceed with the process of selecting the team as per Indian Olympic Association (IOA) Rules with all earnest.

12. This Court deems fit to direct an authorized and competent officer from the respondent No.2 to assist the Sports Authority of India in such constitution of Selection Committee and also to ensure that the team is

selected in accordance with the rules of IOA. The role of the such officer will be limited only to oversee the said process and not to interfere with it.

13. The petitioner herein is also permitted to submit her credentials as soon as the Selection Committee is constituted. The Sports Authority of India is directed to intimate the petitioner as soon as such Selection Committee is constituted.

14. Petitioner is at liberty to submit her application along with all the credentials for her consideration in the selections.

15. This Court is made aware that 15.07.2023 is the last date for sending the list of selected sports persons to the Organizing Committee of the 19th Asian Games. The Selection Committee is requested to keep the aforesaid timeline in consideration while conducting selections.

16. Mr. Soni submits that the Ministry of Youth Affairs and Sports, Department of Sports, Government of India shall undertake wide publication of the selections conducted for this Sport on its website, as also, advertise the selection process to be initiated for the sport of Karate for the impending 19th Asian Games widely, through a leading National daily in the country.

17. Learned counsel appearing for the petitioner submits that the other prayers are not pressed as of now. The petitioner is at liberty to subsequently file a fresh petition, should the need arise.

18. With the aforesaid directions, the petition is disposed of with no order to costs.

TUSHAR RAO GEDELA, J .

MAY 18, 2023/ms