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

+ W.P.(C) 9959/2023 & CM APPL 38360/2023

KAINA GUPTA & ANR.

..... Petitioners

Through: Mr. Anuj Aggarwal, Advocate alongwith
Mr. Vikrant Chawla, Ms. Arshya Singh, Mr.
Aakash Dahiya and Mr. Yash Upadhyay,
Advocates

Versus

UNIVERSITY OF DELHI & ORS.

..... Respondents

Through: Mr. Mohinder J.S. Rupal, Mr. Hardik
Rupal and Ms. Shalu Yadav, Advocates for
respondent No.1

Mr. Dayan Krishnan, Senior Advocate alongwith
Mr. T. Mahendhran, Mr. Raghunatha Sethupathy
B., Mr. Rishi Agarwala, Ms. Priya R. Mr. Selvam
P., Mr. Ankit Banati and Mr. Shrvan Niranjana,
Advocates for respondent No.3

Mr. M.L. Yadav, Advocate for respondent No.4

Mr. Anil Soni, CGSC alongwith Mr. Devvrat
Yadav, Advocate for respondent No.5

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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04.08.2023

1. The present petition has been filed under Article 226 of the
Constitution of India seeking following reliefs:-

*“(a) issue a writ of certiorari quashing the email/letter/order
dated 25.07.2023 issued to the Petitioner No. 2 by the Respondent
No. 2-Council to the extent it rejects the certificate issued by the
Respondent No. 4-Association;*

*(b) issue a writ of mandamus directing the Respondent No. 3-
Federation to issue certificates of participation, on highly
expeditious basis, to the Petitioners for representing Delhi State
Boys’ and Girls’ team as a player in the 72nd Junior National
Basketball Championship First Phase for Boys and Girls, held*



under the aegis of the Respondent No. 3-Federation, played during October, 2022 and January, 2023;

(c) issue a writ of mandamus directing the Respondent No. 1 University to accept the certificate issued by the Respondent No. 3 Federation once it is so issued in terms of Prayer (b) above for the purpose of allocating the crucial points/scores for such certification; and

(d) pass any other order/s, which your lordships may deem fit and proper in the facts and circumstances of the present case as well as in the interest of justice”.

2. Learned counsel appearing on behalf of the petitioners submits that the petitioners are the aspirants seeking admission in the respondent no. 1- University of Delhi through sports quota for the Academic Year 2023-24, who recently appeared in the Senior Secondary Examination conducted by CBSE in March, 2023.
3. Learned counsel for the petitioners submits that the petitioners are also amongst the top basketball players in the country and had participated in the 72nd Junior National Basketball Championship First Phase for Boys and Girls, under the aegis of respondent no.3-Basketball Federation of India (hereinafter as 'BFI'). He, therefore, submits that the petitioners are entitled for consideration of their case, for admission in respondent no.1- University of Delhi against sports quota.
4. According to him, despite undisputed participation of the petitioners, they have been denied the issuance of certificate by respondent no.3-BFI, which is consequently depriving the petitioners to claim their candidature against sports quota.



5. He further submits that the necessary certificate was already given by respondent no. 4-Delhi Basketball Association (hereinafter as 'DBA') with respect to their participation, thus, the participation of petitioners is undeniable. However, on account of technical reason of non-issuance of requisite certificate by the respondent no.3-BFI, the petitioners are compelled to suffer.

6. This court on earlier date directed the respondents to file the counter affidavits. The respondent no.1-University of Delhi, however, insists that in absence of the necessary certificate from respondent no.3-BFI, the case of the petitioners cannot be considered against sports quota.

7. The counter affidavits on behalf of respondent no. 1-University of Delhi and respondent no.3-BFI have been placed on record.

8. A perusal of counter affidavit filed on behalf of the respondent no.3-BFI would indicate that they are not disputing the claims of the petitioners, rather it indicates that the respondent no.3-BFI supports the case of the petitioners.

9. The averments made in the counter affidavit filed by the respondent No.3- BFI in paragraph nos. 12 and 17 to 20 reads as under:-

*“12. Thereafter, on 09.07.2023, the present Respondent had sent a Letter dated 09.07.2023 to the Former President and Former Secretary General of BFI, seeking to hand over the certificates that are pending to be issued to the players for all the champion conducted in the last one year and Datas of all previous certificates issued to players at all Championships at national and international levels along with other list of documents mentioned in the said Letter. A Copy of the Letter dated 09.07.2023 sent by the present Respondent is annexed herein and marked as **Annexure-R/4. (Page.113-116)***

17. That it is clear from the Brief Facts above that the present Petitioner alleged to have participated in the 72nd Junior National Basketball Championship First Phase for Boys and Girls held during October 2022



and January 2023, whereby at the said point of time, the present Respondent – BFI was managed by the old body consisting of the Former President Mr.K.Govindaraj and Former Secretary General Mr.Chandra Mukhi Sharma.

18.It is submitted that the old body of BFI consisting of the Former President Mr.Govindaraj and Former Secretary General Mr.Chander Mukhi Sharma, have not handed over the certificates that are pending to be issued to the players for all the champion conducted in the last one year and Datas of all previous certificates issued to players at all Championships at national and international levels, despite sending a Letter dated 09.07.2023 to the Former President Mr.Govindaraj and Former Secretary General Mr.Chander Mukhi Sharma.

19.It is pertinent to mention that Entry Form record of all the players who had participated in the national and states events conducted under the aegis of the Former President Mr.Govindaraj and Former Secretary General Mr.Chander Mukhi Sharma, are still with the said persons. The present Governing body of the Respondent – BFI does not have any Entry Form Record to confirm whether the present Petitioners have participated in the 72nd Junior National basketball Championship First Phase for Boys and Girls held during October 2022 and January 2023.

20.It is submitted that the conduct of the Former President and Former Secretary General are affecting the life of around two thousand five hundred (2500) players across the country as the Former President and Former Secretary General have not handed over complete records to the current Governing Body of BFI and the said players are not in a position to proceed with school admissions, college admissions and Government jobs due to non-handing over of the certificates by the Former President and Former Secretary General”.

10. The documents in support of the averments made by respondent no.3-BFI would indicate that various efforts were made, including lodging of a complaint against the former President and former Secretary General before the Commissioner of Police for securing the official record of respondent no.3-BFI, but to no avail.

11. The averments go on to show that, despite the complaint being lodged before the Commissioner of Police, no efforts have been taken to ensure that



the necessary record is furnished to respondent no.3-BFI. It is, therefore, submitted that in absence of there being any record with respect to the participation of the candidate prior to taking over the charge of the respondent no.3-BFI by the present incumbent, the issuance of necessary certificate is being delayed.

12. The counter affidavit filed by the respondent no.3-BFI would also impress upon the fact that the petitioners participated in the event in question. The provisional certificate has also been issued by the respondent no.4-DBA on their letter head. However, the same is unsuccessful in meeting the desired requirement as per the admission process of respondent no.1-University of Delhi.

13. In view of the aforesaid, this court at this stage, finds it necessary to pass the following interim directions:-

(i) On the basis of certificate issued by respondent No.4-DBA, let the appropriate provisional certificate in the prescribed format be duly issued by the respondent no.3-BFI in favour of the petitioners about their participation in the event in question, within two working days from today.

(ii) Let the provisional certificate issued by respondent no.3-BFI be considered as a valid certificate by respondent no.1-University of Delhi to consider the cases of the petitioners for the purpose of eligibility for admission under sports quota.

(iii) Once the provisional certificates are issued by the respondent no.3-BFI, the petitioners shall present the same in original before the Director, Delhi University Sports Council by 09.08.2023.

14. The interim directions shall remain subject to the outcome of the instant petition.



15. List on 17th August, 2023 alongwith W.P.(C) 1731/2023 and CONT.CAS(C) 275/2023.

16. *Dasti.*

PURUSHAINDR KUMAR KAURAV, J

AUGUST 4, 2023

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