HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Pronounced on : 19.09.2026
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Whether the operative part or full judgment is pronounced : Full

Case:- **WP(C) No. 103/2025**

Rajeev Sharma

.... Petitioner

Through: Mr. Amit Gupta, Advocate,
Mr. Gaurav Sadotra, Advocate &
Mr. Sumit Moza, Advocate

Vs

Union of India and others

..... Respondents

Through: Mr. Vishal Sharma, DSGI for R-1.
Mr. M. K. Bhardwaj, Sr. Advocate with Mr. Gagan Kohli & Mr. Abhinav Sharma, Sr. Advocate with Mr. Ajay Vaid, Advocate for R – 3, 5, 6 & 8.
Ms. Anshuja Tak, Advocate for R-4.
Mr. Vikas Magotra, Advocate for R- 9 & 13 to 18.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

JUDGMENT

01. "**It is high time we recognize that sporting facilities and opportunities and material resources of the community and their organizers are the institutions of the national life**. As places of public resort, sporting institutions and bodies must remain accessible, not just for pursuing sport,

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but also for its administration. It should be the deeper Sadhana (endeavour) of the State, and it is also our Constitutional duty to ensure that sporting facilities and opportunities flourish with institutional efficiency, integrity, professionalism and expertise" is the opening edict of the Hon'ble Supreme Court of India in the case of **"All India Football Federation Vs Rahul Mehra and others," 2025 INSC 1131** under the aegis of which this Court is undertaking the adjudication of this matter which relates to the respondent No. 3 – J&K Olympic Association, an umbrella organization of all the sports in the UT of Jammu and Kashmir in the context of purity and legality of its structure & set up, election process and also of its constitution so as to figure out as to whether it meets the standard of institutional efficiency, integrity, professionalism and expertise as envisaged by the Hon'ble Supreme Court of India by reference to the sports bodies of and in India.

02. As the High Court of Delhi came to be harbinger of palliative adjudication setting course correction with respect to functioning of Sports' Associations so as to make sportspersons real and actual beneficiaries, a like situation has also come to present itself related to very state of functioning of the **Jammu & Kashmir Olympic Association** which, in turn, is tied up with present and future of sportspersons of UT of J&K, thereby placing an onerous responsibility on this Court to examine

things, both in detail and depth, to come up with an adjudication which, in all intent and purposes, is meant to be in long term interest and benefit of all stakeholders, and in particular of sportspersons of UT of J&K.

03. The cause of action for the petitioner to come forward with the present writ petition, instituted on **14.01.2025,** accrued when pursuant to impugned election process, the respondents No. 6 to 18 came to be declared elected as president, vice-president and other office bearers as well as executive members of the respondent No. 3 – J&K Olympic Association for a term of next four years, in terms of a purported notification dated **15.12.2024** issued by the respondent No. 5-Chander Shekhar Gupta (Advocate) who purportedly acted and discharged the office of returning officer for the election of the respondent no.3- J&K Olympic Association.

04. The factual chronology of the case falls for its introduction to serve as the perspective in the light whereof the adjudication of the issues involved in the present writ petition is to be undertaken by this Court.

05. As being an outgoing General Secretary of the respondent No. 3 – J&K Olympic Association, the respondent No. 6 – Dushyant Sharma came forward with a paid

advertisement notice published in a Daily Excelsior newspaper on **04.11.2024** which is annexed with the writ petition as annexure-VI (paper-book page-321) and which reads as under:-

NOTICE

This is for the information of all the J&K Sports Association affiliated to J&K Olympic Association that the election of the Association is due and will be conducted in the near future. J&K Olympic Association is to initiate the process of conducting elections. In this connection, all the J&K Sports Associations affiliated with J&K Olympic Association are requested to send the names of the one representative having signature of the President and Secretary to finalize the Electoral-Collage within one week of the publication of this notice.

J&K Olympic Association

06. As is obvious, this notice, by its own reference, did not spell out any time schedule, be it with respect to date of election, date of sending the names of representatives by the affiliated Sports Associations of UT of J&K. So much so, to whom said names were to be sent and by which mode and also which was to be the venue of election, all remained unsaid in this notice. The notice even did not bear any reference with respect to the issuing authority.

07. So much so, the purported notice of election did not even enlist the affiliated sports associations for whose consumption the purpose of issuance of notice was meant.

08. Thus, very inception of so called election process by reference to the respondent No. 3 – J&K Olympic Association came up in a very surreptitious manner about which this Court has no hesitation in observing so considering the fact that the election of a Sports Body/Organization is meant not to be a stealth exercise.

09. The issuance and publication of notice aforesaid obviously was meant to do a formality for the name-sake. The published notice did not divulge as to whether the decision to go ahead with the election declaration was made by the outgoing Executive Committee of the respondent No. 3 – J&K Olympic Association or was a call taken by the respondent No. 6 – Dushyant Sharma as an outgoing General Secretary on his own.

10. Record produced for the perusal of this Court related to election exercise also does not bear any such reference as to a decision of Executive Committee of the respondent No. 3 – J&K Olympic Association having taken a decision leading to issuance of notice in Daily Excelsior on **04.11.2024**.

11. While the notice of election came to be published on **04.11.2024**, on the same very date, the respondent No. 6 – Dushyant Sharma, as an outgoing General Secretary, had addressed a hand written letter dated **04.11.2024**, without any

reference number, to the respondent No. 5 – Chander Shekhar Gupta (Advocate), thereby, apprising him that on the directions of the President of the respondent No. 3 – J&K Olympic Association, the respondent No. 5 – Chander Shekhar Gupta (Advocate) has been appointed as a Returning Officer for conducting the desired elections on **15.12.2024**.

12. However, the respondent No. 6 – Dushyant Sharma, after a gap of fifteen days, came up with a letter dated **19.11.2024**, that also without any reference number, purportedly addressed to the President/ Secretary General of affiliated associations, without bearing any individual reference, thereby meaning to inform that General Body Meeting of the respondent No. 3 – J&K Olympic Association was to be held on **15.12.2024** at Amar Singh Club, Jammu at 3.00 p.m. for which one representative from an affiliated sport's association is to attend for the agenda of the meeting to pass the minutes of the last meeting, to elect the office bearers for a new term and any other business with the permission of the Chair.

13. This letter also seems to be a pseudo communication for the purpose of record making rather than for the purpose of actual communication.

14. On the basis of said written letter dated **04.11.2024** of the respondent No. 6 – Dushyant Sharma, as an outgoing General Secretary of the respondent No.3 J&K Olympic Association, the respondent No. 5 – Chander Shekhar Gupta (Advocate), by reference to his purported appointment as returning officer, came to dawn upon himself the authority to undertake and conduct election process for which he was given date of election to be **15.12.2024** at the venue of Amar Singh Club, Jammu. The date and venue of election was already notified in letter dated **04.11.2024** of the respondent No. 6 – Dushyant Sharma, outgoing General Secretary without even first taking consent and confidence of the respondent No. 5 – Chander Shekhar Gupta (Advocate) as a returning officer.

15. The handwritten text of aforementioned letter dated 04.11.2024 of the respondent No. 6-Dushyant Sharma, outgoing general secretary, is reproduced herein under:-

> **" *Ref. No.*** **Dated 4.11.2024**
>
> To.
> Sh. Chander Shekhar Gupta,
> Advocate.
>
> Dear Sir,
>
> It is brought to your notice that on the directions of the President, J&K Olympic Association you have been appointed as Returning Officer for conducting the Elections of the Association to be held on 15th of Dec., 2024 at Amar Singh Club at 3 p.m. sharp for a term of 4 years.
>
> Copy of the constitution and list of affiliated units of the Association is enclosed.
>
> Yours sincerely,

sd/-
(Dushyant Sharma)
Hony. Gen. Secretary"

16. Resultantly, without any formal response of acceptance of said office in response to said letter dated 04/11/2024, the respondent No. 5 – Chander Shekhar Gupta (Advocate), on **27.11.2024** by introducing himself as a returning officer of J&K Olympic Association, issued a letter to the General Secretaries of all un-named affiliated units of J&K Olympic Association.

17. In said very letter, names of twenty five (25) Sports Associations were then scribed in pen to fetch acknowledgement of receipt of letter dated 27.11.2024. However, aforesaid letter dated 27.11.2024 bears a reference of accompanying enclosure of 9 leaves comprising of 2 proforma nomination forms, election schedule and rules of elections. In this compilation is found mentioned a list of 25 electoral-collage members, and 4 Associate Members without voting right.

18. In terms of letter dated **27.11.2024**, the General Secretaries of all the respective affiliated units/associations were purportedly apprised of the scheduled elections of J&K Olympic Association, 2024 for a term of next four years.

19. The respondent No. 5 – Chander Shekhar Gupta (Advocate), in his six page election note, came to set out the election rules, composition of executive committee, manner of election, electoral college with voting right, associate members with no voting rights, nomination of candidates, scrutiny of nominations, withdrawal of candidatures, uncontested returns and contested elections, poll, counting of votes & declaration of results. The following schedule was issued by him relating to the conduct of the election:-

OFFICE OF THE RETURNING OFFICER
Chander Shekhar Gupta Advocate Jammu

Annexure II
Jammu and Kashmir Olympic Association Election-2024

Election Schedule

Final Notification of Electoral Roll	01.12.2024
Submission of Nomination Forms	02.12.2024 to 05.12.2024
Publication of List of Nomination Papers received	06.12.2024
Scrutiny of Nomination Papers	07.12.2024 (04.00 PM to 07.00 PM)
Display of Valid Nomination Papers	10.12.2024
Withdrawal of Nominations	12.12.2024 (Upto 04.00 PM)
Display of Final List of Contesting Candidates	13.12.2024
Election/Polling if Necessary	15.12.2024
Declaration of Election (Results)	15.12.2024

Place:- Jammu
Dated : 27-11-2024

sd/-
Chandershekhar Gupta (Advocate)
Returning Officer
J&K Olympic Association

20. The electorate comprised of one member each from the affiliated sport association/unit so as to constitute electoral-collage. Twenty five (25) affiliated sports associations, which are enlisted below, nominating one member each from their

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respective end led to the constitution of the electorate for the purpose.

21. The petitioner was nominated as a representative of the affiliated Archery Association of J&K.

22. The electorate which came to be so composed out of 25 sports associations' representatives was twenty five (25) members.

Electoral Collage with voting right

1. Archery Association of J&K
2. J&K Amateur Athletics Association
3. Basketball Association of J&K
4. Body Building Association of J&K
5. J&K Amateur Boxing Association
6. J&K Badminton Association
7. Gymnastics Association of J&K
8. J&K Amateur Kabaddi Association
9. J&K Judo Association
10. J&K Kho-Kho Association
11. Table Tennis Association of J&K
12. Modern Pentathlon Association of J&K
13. J&K Lawn Tennis Association
14. J&K Rifle Association
15. Rope Skipping Association of J&K
16. J&K Rugby Association
17. Hockey Jammu and Kashmir
18. Wrestling Association of J&K
19. Weightlifting Association of J&K
20. Wushu Association of J&K
21. J&K Roller Skating Association
22. Volleyball Association of J&K
23. J&K Yoga Association
24. Taekwondo Association of J&K
25. Pencak Silat Association of J&K

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23. In the face of the process so set into effect, on **28.11.2024**, Kuldeep Kumar Gupta, an executive member of the outgoing Executive Committee of the respondent No.3-Jammu & Kashmir Olympic Association and also as General Secretary of the J&K Amateur Kabbadi Association, addressed a written complaint to the respondent No.5- Returning Officer Chander Shekhar Gupta (Advocate) reporting non-compliances of **National Sports Development Code of India (NSDCI), 2011** and other deficiencies and deviations in the exercise related to scheduled election of the respondent No.3-Jammu & Kashmir Olympic Association.

24. To said written objection of Kuldeep Kumar Gupta, the respondent No.5- Returning Officer Chander Shekhar Gupta (Advocate) made a reply dated **05.12.2024** therein coming up to justify the ongoing election exercise of the respondent No.3-Jammu & Kashmir Olympic Association.

25. The petitioner, as being a nominated representative of Jammu & Kashmir Archery Association was proposed by two voting members, namely, Ajay Sharma of **Table Tennis Association of J&K as serial number 11** and Kuldeep Gupta of **J&K Kabbadi Association** as **serial number 8** of the electoral-college**,** for election for the post of President and came to submit his nomination in Form No.2 dated **05.12.2024**.

26. The purported scrutiny of nomination papers was conducted by the respondent No. 5 – Chander Shekhar Gupta (Advocate), as returning officer, in presence of **Sh. Bhupinder Singh Tirthi**, **Shri Vikas Gupta** & **Shri Sharat Chander Singh**.

27. On **06.12.2024,** the respondent No. 5- Chander Shekhar Gupta (Advocate) documented Form-3 of Declaration of the nominations for the post of office bearers and members of the Executive Committee of the Jammu & Kashmir Olympic Association, received from **December 2 to 5, 2024**, which is reproduced as under:-

FORM-3

OFFICE OF CHANDER SHEIKHAR GUPTA ADVOCATE, RETURNING OFFICER OF J&K OLYMPIC ASSOCIATION

The following nominations for the posts of Office Bears and members of the Executive Committee of the J&K Olympic Association have been received by the undersigned from December 2 to 5, 2024 as detailed in the Schedule issued by the undersigned:-

President

Name	**Proposed By**	**Seconded by**
1. Sh. Dushyant Sharma, S. No. 20	Dr. Nirmlok Singh S. No. 3	Sh. Kiran Wattal S. No. 6
2. Sh. Rajeev Sharma S. No. 2	Sh. Ajay Sharma S. No. 18	Sh. Kuldeep Gupta S. No. 11
Senior Vice President Dr. Nirmlok Singh S. No. 3	Proposed by Sh. Surinder Deep Singh Bakshi S. No. 7	Seconded by Sh. Dushyant Sharma S. No. 20

Vice Presidents

Kashmir Er. Kiran Wattal S. No. 6	Sh. Rajesh Dutta S. No. 5	Sh. Vikas Gupta S. No. 9
Sh. Vikas Gupta S. No. 9	Sh. Kuldeep Jamwal S. No. 14	Sh. Amit Chib S. No. 15

General Secretary

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Sh. Ajay Vaid S. No. 24	Sh. Dushyant Sharma S. No. 20	Sh. Vijay Saraf S. No. 23
Sh. Ajay Sharma S. No. 18	Dr. O. D. Sharma S. No. 4	Sh. B. S. Jaggi S. No. **12**

Treasurer

Sh. Yudhvir Singh S. No. 19	Sh. Ajay Vaid S. No. 24	Sh. Tarseem Sharma S. No. 16
Sh. Kuldeep Kumar Gupta S. No. 11	S. B. S. Jaggi S. No. 12	Sh. Rajeev Sharma S. No. 2

Joint Secretary

Mr. Farooq Ahmad S. No. 17	Sh. Charan Singh Salathia S. No. 25	Sh. Harmeet Singh S. No. 17
Sh. Sharat Chander Singh S. No. 1	Sh. Kuljeet Singh Jamwal S. No. 8	Sh. Rajesh Dutta Sr. No. 5
S. B. S. Jaggi S. No. 12	Sh. Rajeev Sharma S. No. 2	Sh. Ajay Sharma S. No. 18

Executive Member

Sh. Rajesh Dutta S. No. 5	Vinod Bhatia S. No. 22	Kuljeet Singh Jamwal S. No. 8
Sh. Kuljit Singh Jamwal S. No. 8	Sh. Sharat Chander Singh S. No. 1	Dr. Nirmlok Singh S. No. 3
Sh. Vinod Bhatia S. No. 22	Sh. Yudhvir Singh S. No. 19	Supinder Deep Singh S. No. 7
Sh. Harmeet Singh S. No. 17	Sh. Tarsem Sharma S. No. 16	Sh. Ajay Vaid S. No. 24
Sh. Amit Chib S. No. 15	Sh. Kiran Wattal S. No. 6	Sh. Sharat Chander Singh S. No. 1
Sh. Tarsem Sharma S. No. 16	Sh. Vijay Saraf S. No. 23	Sh. Kuldeep Jamwal S. No. 14
Sh. Supinder Deep Singh S. No. 7	Sh. Vikas Gupta S. No. 9	Vinod K. Bhatia S. No. 22

Dated- 06.12.2024

sd/-
Chander Sheikhar Gupta
Advocate
(Returning Officer)

28. On **07.12.2024**, the respondent No. 5- Chander Shekhar Gupta (Advocate) came up with declaration with respect to scrutiny of nomination forms received from **2nd to 5th**

December, 2024 and scrutinized on **07.12.2024** and declared those in order. This purported scrutiny was done in presence of Bhupinder Singh Tirthi, Vikas Gupta and Sharat Chander Singh reporting thereby that no fault was found in any of the nomination papers and all the nomination papers were found valid as per election rules but bearing a Corrigendum with respect to invalidity of nomination paper of Mr. Farooq Ahmad for the post of Joint Secretary on account of being not existing in the Electoral-College.

29. A Communication **No. SAC/124/8291-96** dated **09.12.2024** by the Secretary of the respondent No.4- J&K Sports Council to the President/General Secretaries, All Recognized Sports Associations, J&K UT, by reference to the complaint of Sh. Kuldeep Kumar Gupta dated 28.11.2024 with respect to objectionable conduct of elections of J&K Olympic Association, came into being in which, communication as per Secretary of the respondent No.4- J&K Sports Council, the respondent No.3- J&K Olympic Association was shown to be a de-recognized entity for non-compliance of the **National Sports Development Code of India** as well as **Guidelines of J&K Sports Council** issued from time to time whereas all the Sports Associations recognized by the J&K Sports Council were being directed to adhere to **National Sports Development Code of**

India and **J&K Sports Council's Guidelines** in relation to conduct of elections.

30. The nominations came to be submitted in the following chronology:

27.11.2024

Nomination paper of Dr. Nirmlok Singh for the post of Senior Vice President, received on 03.12.2024.

27.11.2024

Nomination paper of Mr. Vikas Gupta for the post of Vice President, without mentioning which region Jammu or Kashmir, received on 02.12.2024.

27.11.2024

Nomination paper of Sharat Chander Singh for Joint Secretary, received on 03.12.2024.

28.11.2024

Nomination paper of Ajay Vaid for General Secretary, received on 03.12.2024.

28.11.2024

Nomination paper of Mr. Kiran Wattal for the post of Vice-President, Kashmir, received on 04.12.2024.

28.11.2024

Nomination paper of Yudhvir Singh for the post of Treasurer, received on 04.12.2024.

28.11.2024

Nomination paper of Rajesh Dutta.

29.11.2024

Nomination paper for the post of President by the respondent No. 6, received on 02.12.2024.

29.11.2024

Nomination paper of Farooq Ahmad for Joint Secretary, received on 05.12.2024.

27.11.2024/28.11.2024/29.11.2024

Nomination papers of seven persons for the post of Executive Member, all received against date

05.12.2024

Nomination paper of the petitioner for the post of President received by Advocate Chander Sheikhar Gupta but without putting date of receipt as against the nomination paper of the respondent No. 6.

05.12.2024

Nomination paper of Ajay Sharma for the post of General Secretary received without date.

05.12.2024

Nomination paper of Kuldeep Kumar Gupta for Treasurer, without receipt date.

05.12.2024

Nomination paper of B. S. Jaggi for the post of Joint Secretary, received without date.

31. It is stated that from the end of the respondent No. 2 – Indian Olympic Association on the basis of a purported letter dated **09.12.2024** by its President, one Dr. Madhu Kant Pathak was deputed as an observer from the end of the respondent No. 2 - Indian Olympic Association to oversee the scheduled election of the respondent No. 3 – J&K Olympic Association on **15.12.2024**.

32. On **12.12.2024,** J&K Amateur Athletics Association General Secretary Sharat Chander Singh's withdrawal from the contest of post of Joint Secretary came to take place and in replacement of Sharat Chander Singh, J&K Amateur Athletics Association nominated its President-Suneel Mahajan to represent and participate in the election.

33. A final list of electoral college came to be declared on 13.12.2024 by the respondent No. 5- Chander Shekhar Gupta (Advocate) which is reproduced as under:

S. No.	**Name of Sports Association**	**Name of Representative**
1.	J&K Amateur Athletics Association	Sh. Sunil Mahajan
2.	Archery Association of J&K	Sh. Rajiv Sharma
3.	J&K Amateur Boxing Association	Dr. Nirmolak Singh
4.	J&K Badminton Association	Dr. O. D. Sharma
5.	Body Building Association JK	Sh. Rajesh Dutta
6.	Gymnastics Association of J&K	Sh. Kiran Wattal
7.	Hockey J&K	Supinder Deep Singh
8.	Basketball Association of J&K	Sh. Kuljeet Singh
9.	J&K Judo Association	Sh. Vikas Gupta
10.	J&K Kho-Kho Association	S. Bhupinder Singh Tirthi
11.	J&K Kabaddi Association	Sh. Kuldeep Gupta
12.	J&K Lawn Tennis Association	S. B. S. Jaggi
13.	J&K Modern Pentathlon Association	Prof. Dr. Ashutosh Sharma
14.	J&K Rifle Association	Sh. Kuldeep Singh Jamwal
15.	J&K Roller Skating Association	Sh. Amit Chib
16.	Rope Skipping Association of J&K	Sh. Tarseem Sharma
17.	J&K Rugby Association	Harmeet Singh
18.	Table Tennis Association of J&K	Sh. Ajay Sharma
19.	J&K Weightlifting Association	Sh. Yudhvir Singh

20.	Wrestling Association of J&K	Sh. Dushyant Sharma
21.	Volleyball Association of J&K	Sh. Vijay Magotra
22.	J&K Yoga Association	Sh. Vinod K. Bhatia
23.	Wushu Association	Sh. Vijay Saraf
24.	Teakwondow Association of J&K	Sh. Ajay Vaid
25.	Pencak Silat Association of J&K	Sh. Charan Salathia
26.	J&K Amateur Fencing Association	Sh. Sanjay Gupta
27.	Ju Jitsu Association of J&K	Sh. Rakesh Sharma
28.	Samblo Association of J&K	Sh. Brijesh Bhau

34. On scheduled date of election four electors that is the petitioner, Table Tennis Association of J&K's representative Ajay Sharma, J&K Kabbadi Association's representative Kuldeep Gupta and J&K Lawn Tennis Association's representative B. S. Jaggi registered their written protest on **15.12.2024** in participating in the election by pointing out infirmities.

35. In terms of the purported casting of votes, the respondent No.6 – Dushyant Sharma, being an outgoing General Secretary, contesting for the post of President is said to have polled 22 votes as against 1 vote polled in favour of the petitioner.

36. The respondent No. 8 – Ajay Vaid contesting for the post of General Secretary is said to have polled 22 votes as against 1 vote polled in favour of one Ajay Sharma.

37. The respondent No. 9 – Yudhvir Singh contesting for the post of Treasurer is said to have polled 21 votes as against 1 vote polled in favour of Kuldeep Gupta.

38. The respondent No. 10 – Dr. Nirmolak Singh is said to have been elected unopposed without any contest.

39. The respondent No. 11 – Kiran Wattal and the respondent No. 7-Vikas Gupta elected unopposed as Vice Presidents, Kashmir & Jammu.

40. The respondent No. 12- B. S. Jaggi elected unopposed as Joint Secretary, Jammu.

41. The respondents No. 13-Rajesh Dutta, No. 14-Kuljit Singh, No. 15-Vinod Bhatia, No. 16-Amit Chib, No. 17-Tarseem Sharma & No. 18-Supinder Deep Singh were declared elected as 6 Executive Members.

42. Out of 28 electors, only 24 came to cast their ballots whereas as four absentees were the petitioner, said Ajay Sharma, Kuldeep Gupta and B. S. Jaggi.

43. The respondent No. 5- Chander Shekhar Gupta (Advocate) came to issue final result of the election to the following effect:-

President	**Sh. Dushyant Sharma**

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Sr. Vice President	**Dr. Nirmolak Singh**
Vice President (Kashmir)	**Er. Kiran Wattal**
Vice President (Jammu)	**Sh. Vikas Gupta**
General Secretary	**Sh. Ajay Vaid**
Joint Secretary (Jammu)	**Sh. B. S. Jaggi**
Treasurer	**Sh. Yudhvir Singh**
Executive Member	**Sh. Rajesh Dutta**
Executive Member	**Sh. Kuljit Singh**
Executive Member	**Sh. Vinod Bhatia**
Executive Member	**Sh. Amit Chib**
Executive Member	**Sh. Tarseem Sharma**
Executive Member	**Sh. Supinder Deep Singh**

44. It is the aforesaid outcome so declared on **15.12.2024** by the respondent No. 5 – Chander Shekhar Gupta (Advocate) that the petitioner came forward with the present writ petition challenging the entire course of action as illegal and sham warranting to be set aside with conduct of a fresh election by first putting the respondent No. 3 – J&K Olympic Association in terms of its functioning in tune with the National Sports Development Code of India, 2011.

45. Before this Court embarks to examine the challenge being posed by the petitioner and resisted by the respondent Nos. 6 to 19 as being the purportedly elected office bearers and executive members of the respondent No. 3 – J&K Olympic Association, this Court needs to bear understanding of legal perspective related to the respondent No. 3 – J&K Olympic Association and its parent body/organization and the respondent No. 2 – Indian Olympic Association.

46. The respondent No. 3 – J&K Olympic Association is a society in the field of sports originally registered under the Jammu & Kashmir Societies Act, 1941.

47. Thus, as a society registered, the respondent No. 3 – J&K Olympic Association came to have a memorandum of association and the rules and regulations on the basis whereof the very existence and continuity of the respondent No. 3 – J&K Olympic Association is supposed to run its administration and management for sub-serving the objectives as laid out in the memorandum of association.

48. The constitution and continuity of the respondent No. 3 – J&K Olympic Association, as a registered society, is based and meant to be on democratic principles in terms whereof the election of management committee, executive committee, office bears as the case may be to take place for better and transparent administration and management of its affairs, activities and assets so as to carry out the aims and objectives.

49. The Memorandum of Association of the respondent No. 3 – J&K Olympic Association has three clauses. **Clause 3** defines aims and objects from **Sr. No. 1 to 14**.

50. The Rules and Regulations of the respondent No. 3 – J&K Olympic Association has **21 clauses** which are as under:-

1. **Definitions and explanations.**
2. **Founder members.**
3. **Association year.**
4. **Membership.**
5. **Membership fees.**
6. **General meetings.**
7. **Special meeting**
8. **Executive Committee meetings.**
9. **Notices and Corum for meetings.**
10. **Elections.**
11. **Tenures of posts.**
12. **Holding of office.**
13. **Voting.**
14. **General Council.**
15. **Executive Committee.**
16. **Banking accounts.**
17. **Meeting of the Indian Olympic Association.**
18. **Powers, duties and functions of the office bearers.**
19. **Complaints/disputes of Members/Staff.**
20. **Powers, functions and duties. Amendment of the Rules & Regulations.**
21. **General disciplinary regulations.**

51. **Clause 4** provides for membership of the respondent No. 3 – J&K Olympic Association open to the affiliated State Associations with one representative from each State Sports Associations falling under the category of Olympic Games, one representative from each State Sports Associations falling under non-Olympic Games and one representative of each District Olympic Associations and Jammu & Kashmir Civil Services Sports Control Board or any other similar Board.

52. **Clause 10** provides holding of election once in four years at the general council meeting/special meeting to election executive committee and the office bearers thereof.

53. The Executive Committee's composition is as under:-

a) 1 President.

b) 1 Sr. Vice President.

c) 2 Vice Presidents (one each from Srinagar/ Jammu).

d) 1 General Secretary.

e) 1 Treasurer.

f) 2 General Secretaries (one each from Jammu/Srinagar) and 7 members for Executive Committee.

54. **Clause 11** provides for tenure of posts for four years from the date of election with a scope for repeat of office bearership for one or more term of four years on obtaining simple majority votes of the members present and voting in the elections.

55. **Rule 15** vests the management of affairs of the respondent No. 3 – J&K Olympic Association in its executive committee. It is the executive committee nominated member/s of the respondent No. 3 – J&K Olympic Association who then represent the respondent No. 3 – J&K Olympic Association in the respondent No. 2 – Indian Olympic Association meetings.

56. The respondent No. 3 – J&K Olympic Association is affiliated with the respondent No. 2 – Indian Olympic

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Association which in turn is also a registered society with a Pan India administration and management related to sports to which all State/ Union Territory Olympic Associations are subscribed to.

57. It is under the umbrella of the respondent No. 2 – Indian Olympic Association that participation of India in different sports in the Olympic Games takes place.

58. The composition of the respondent No. 2 – Indian Olympic Association is that it is comprised of all the different National Level Sports Federations affiliated with it and that is how different sports in India are being run and managed with or without Central/State funding but under the reigns of the respondent No. 2 – Indian Olympic Association.

59. The respondent No. 2 – Indian Olympic Association, as a registered society, has also given to itself memorandum and rules and regulations. The amended version upto November 2, 2022 is available with the present writ petition as annexure II (Paper-Book page 44 to 75).

60. Some salient provisions of the Memorandum and Rules & Regulations of the respondent No. 2 – Indian Olympic Association are set herein next.

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61. **Clause 1** being definition clause defines **Association** to mean **"Indian Olympic Association"** also known as **"I.O.A."** & **"Bharatiya Olympic Sangh."**

62. **Clause 1.2** defines **"Member"** as a member of the respondent No. 2 – Indian Olympic Association.

63. **Clause 3** of the Rules & Regulations of the respondent No. 2 – Indian Olympic Association provides for "Membership" which is available to all National Sports Federations affiliated to International Sports Federations adhering to International & National Sports Codes, National Sports Federations of indigenous games, Indian citizens, who are members of International Olympic Committee, 2 active athletes or retired athletes having participated in the Olympic Games, 8 sports persons of outstanding merit, **State Olympic Associations**, **Union Territories Olympic Associations** and Service Sports Control Board.

64. **Clause 5** provides for **"Termination of Membership."**

65. **Clause 11** of the rules & regulations of the respondent No. 2 – Indian Olympic Association provides for executive council and the affairs related therewith from **clause 11.1 to 11.1.10**.

66. **Clause 11** provides for **"Executive Council."**

11.1.1 mandates elections to be held at least once every four years for constituting the Executive Council from amongst the eligible members/representatives office bearers to be elected are:-

1. President.
2. One Senior Vice-President.
3. Two Vice-Presidents.
4. Treasurer.
5. Two Joint Secretaries.
6. Six other Executive Council members.
7. Two representatives.

67. **Clause 14** provides for tenure of posts of the office bearers lasting for four years.

68. **Clause 14.3** provides for cooling-off period of four years.

69. **Clause-14.4** provides disqualification for a member to contest for the post of office bearer upon attaining age of 70 on the election date.

70. **Clause-14.5** provides prohibition for an office bearer to hold office for more than three terms. Of the given three terms no office bearer to hold more than one office bearer post for more than two consecutive terms and, therefore, for a third term there has to be a cooling-off period of four years.

71. An office bearer who has served three terms not to be eligible to contest for any post of office bearer.

72. Every individual sports association of a given sport is in turn affiliated to National Federation of that particular Sport.

73. Every National Sport Federation in turn is member of IOA.

74. Thus by default, every Sport Association through its respective National Federation is represented in the respondent No. 2-Indian Olympic Association.

75. Now, the respondent No. 2-Indian Olympic Association has every National Sport Federation in its membership and so replicating the same model every State Olympic Association, by its affiliation with the respondent No. 2-Indian Olympic Association, has every State Sport Association its member.

76. Thus a given Sport Association is related to the respondent No. 2 – Indian Olympic Association by dual relationship one through its respective National Sport Federation and second through State Olympic Association.

77. Though there is no legal compulsion of association or affiliation but this is how symbiotic relationship obtains between a given state level sport association with National level

particular Sport Federation and also with State Olympic Association.

78. The petitioner comes forth with a recital in the writ petition that the respondent No. 3 – J&K Olympic Association is an affiliate of the respondent No. 2 – Indian Olympic Association on the basis of which affiliation, the respondent No. 3 – J&K Olympic Association is obliged and bound to follow the Memorandum, Rules & Regulations of the respondent No. 2 – Indian Olympic Association *in toto*.

79. The respondent No. 2 – Indian Olympic Association is said to be having Pan India jurisdiction including jurisdiction with respect to the UT of Jammu & Kashmir in the context of the respondent No. 3 – J&K Olympic Association.

80. It is stated in the writ petition that, as being a registered society, the respondent No. 3 – J&K Olympic Association is supposed to conduct its election in a fair and transparent manner and also conduct its affairs with due diligence but in actuality the affairs are alleged to be in a state of malfunctioning at the dealing hands for the last so many years and the reason for the liberty of carrying out the running of affairs of the respondent No. 3 – J&K Olympic Association in a malfunctioned state is on account of avoidance to apply and follow **National Sports Development Code** as well as the

Rules & Regulations of the **respondent No. 4 – J&K State Sports Council**.

81. It is pleaded in the writ petition that because of acts of omission and commission, the respondent No. 3 – J&K Olympic Association has even come to suffer de-recognition/de-affiliation from the respondent No. 4 – J&K State Sports Council but still it did not make any difference to the respondent No. 3 – J&K Olympic Association to set its house in order so as to earn back its recognition and affiliation with the respondent No. 4 – J&K State Sports Council which in essence is a Govt. Society through which every sports related facility and funding for the different sports is to come forth and is provided to all the Sports Associations which in turn are affiliated with the respondent No. 3 – J&K Olympic Association.

82. Right from the issuance of newspaper notice till the purported conclusion of the election exercise, the entire course of action has been assailed as tainted one and a fixed match with result already known of bringing the chosen one in the seat of office bearership in the sham display of election.

83. The re-election of the respondent No. 6 – Dushyant Sharma, as an outgoing General Secretary, for a third consecutive year as office bearer of the respondent No. 3 – J&K Olympic Association and this time as the President is being

highlighted as an exhibit of a serious breach of National Sports Development Code as well as also of the Rules & Regulations and mandate of the respondent No. 2 – Indian Olympic Association. The role of the respondent No. 5 – Chander Shekhar Gupta (Advocate) as a Returning Officer has also been seriously questioned as compromised.

84. In the writ petition, the grounds of challenge are set out in para 17(A) to (S).

85. The petitioners are seeking the indulgence of this Court for the purpose of following reliefs to be issued which are reproduced hereunder:-

> *i. Certiorari quashing the notification dated 15-12-2024 whereby the respondent no. 6 to 18 have been erroneously and illegally declared as President, Vice President, office bearers and executive members respectively of J&K Olympic Association Jammu as the same has been issued in flagrant violation of National Sports Development Code of India 2011 read with J&K Govt. Employees conduct rules 1971 issued under SRO 164 dated 27-03-1980 and circular instructions issued by the GAD from time to time read with*
>
> *ii. Mandamus declaring the election of respondent no. 6 (Dushyant Sharma) and respondent no. 7 (Sh. Vikas Gupta) as disqualified to contest elections and their elections as President & Vice-President of J&K Olympic Association as their election is contrary to the mandate of Judgment of Supreme Court in case titled* ***Board of Control for Cricket v. Cricket Association of Bihar (2016) 8 SCC 535****, wherein the tenure restrictions for a member should not be*

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more than three tenures, with a compulsory colling-off period between two terms.

iii. *Mandamus directing the J&K State Sports Council to hold the elections by appointing an independent returning officer as well as an observer in the light of regulations and circulars of J&K State Sports council or in the alternative declaring the petitioner as the President of the Jammu and Kashmir Olympic Association, J&K being the only eligible candidate/person in the fray for the post of President in accordance with the National Sports Development Code.*

iv. *Any other appropriate writ, order or direction/ relief which will advance the ends of justice in the present case, may also be passed in favour of the petitioner.*

86. From the end of the respondent No. 4 – J&K Sports Council, the reply to the writ petition came to be submitted on **10.02.2025**.

87. On behalf of the respondent No. 3 – J&K Olympic Association, the respondent No. 6 - Dushyant Sharma and the respondent No. 8 – Ajay Vaid, the reply-cum-objections to the writ petition came to be filed on **28.02.2025**.

88. In their reply, the respondent Nos. 3, 6 & 8 have come forward with the preliminary objections stating that in view of the arbitration clause in the constitution of the respondent No. 2 – Indian Olympic Association the matter is arbitrable and, therefore, the writ petition is not available as a matter of right as a remedy. The locus of the petitioner to maintain the writ petitioner has been questioned.

89. The applicability of the National Sports Development Code has been questioned by the contesting respondents by reference to the fact that final words are yet awaited on the subject from the Hon'ble Supreme Court of India wherein **SLP No. 25767 of 2022** titled **"Indian Olympic Association Vs Union of India and others"** is said to be pending adjudication. The conduct of the election under challenge is being defended to be fair and square one particularly being in presence of an observer from the end of the respondent No. 2 – Indian Olympic Association.

90. The appointment of the respondent No. 5 – Chander Shekhar Gupta (Advocate) as a Returning Officer is said to be the prerogative of the President of the respondent No. 3 – J&K Olympic Association.

91. The respondent No. 6 – Dushyant Sharma has sought to justify his repeat third time office bearership notwithstanding the fact that as a public servant he came to contest for the election of the respondent No. 3 – J&K Olympic Association without any proper and prior authorization from the employer i.e. Govt. of UT of J&K, for which the respondent No. 6 – Dushyant Sharma is coming forth with an explanation from his end stating that he is beyond the purview of the Govt. of India's communications which are not meant to be

applicable to the employees of J&K but applicable to the employees of Govt. of India.

92. How Sports & Sports Associations as a subject started gathering legal mention and attention and even engaging the mind of the constitutional courts of India need to be chartered. **Entry 33** of **List II**, **Schedule 7th** of the **Constitution of India** provides scope for field of legislation relatable to sports as well.

93. In the case of **"K. Murugan; B. S. Adityan; K. Murugan; Tamil Nadu Olympic Association, Madras Vs Fencing Association of India, Jabalpur,**" **1991(2) SCC 412**, the Hon'ble Supreme Court of India has traced the history of participation of India in Olympic Games and the role of the Ministry of Youth Affairs and Sports of the Union Government and that of the Indian Olympic Association. The Hon'ble Supreme Court of India has registered its concern in its judgment in this case with an observation that healthy condition must be restored into the working of a society and a fresh election has to be held as being the only way to get out of a malady for the reason that entire nation looks up to the results of competition at international games when they are held.

94. In the case of **"J. Jayalalitha Vs Govt. of Tamil Nadu" (1999)1 SCC 53**, misuse of a sports stadium for non-

sports function came to be dealt with and the Hon'ble Supreme Court of India came to import scope of public interest litigation in the context of misuse of sports facilities and arenas for purposes other than sports. The Hon'ble Supreme Court of India with respect to a sports stadium in reference in the said case came to hold that it was the tax payers money which went to built the stadium and, therefore, the tax payers have a right to its being maintained, as such, and not to be treated as just any other public place for being hired at convenience by anyone.

95. In the case of **"Secretary, Ministry of Information and Broadcasting, Government of India and others Vs Cricket Association of Bengal and others" 1995 AIR (SC) 1236**, it came to be observed that a sport is an expression of self and that in an athletic or individual event, the individual expresses itself through its individual feat whereas in a team event such like Cricket, Football, Hockey etc. there is both individual and collective expression.

96. The amenability of the Board of Control for Cricket in India (BCCI) to judicial review jurisdiction under article 227 of the Constitution of India came up for adjudication before the High Court of Delhi in the case of **"Rahul Mehra and others Vs Union of India and others" (MANU/DE/0846/2004)** in a

writ petition **WP(C) No. 1680/2000** wherein the Division Bench of the High Court of Delhi by its order dated **04.10.2004** in coming to hold BCCI not beyond the sweep of article 226 of the Constitution of India by reference to public duty and public function involved in its working.

97. The Hon'ble Supreme Court of India in the case of **"Zee Telefilms Ltd. Vs Union of India" 2005 AIR (SC) 2677** came up with a very comprehensive interface with the state of law with respect to sports in general and of sport of cricket in particular related to BCCI which itself is a society under the Tamil Nadu Societies Registration Act but functioning as a national governing body for cricket in India, even recognized by the Union of India as a sole national federation for cricket.

98. In this case the Hon'ble Supreme Court of India carried out the analysis of the case law relatable to exercise of judicial review over the activities of Sports Associations by reference to test of public function, coercion, joint action, entertainment, nexus test, supplemental government activity test and importance of the sport test. The Hon'ble Supreme Court of India came to take an extensive review of the rules & regulations of BCCI as a society and also its articles of association.

99. In a writ petition **WP(C) No. 7865/2005** titled **"Narinder Batra Vs Union of India" (MANU/DE/0372/2009)**, Single Bench of the High Court of Delhi came up with an extensive and intensive case study.

100. The Sports Bodies in the said case (supra) was the Jammu & Kashmir Hockey Association & Indian Hockey Federation. A dispute in this case was related to the election of Narinder Batra as Sr. Vice President of Indian Hockey Federation and his term of four years to be in office with Mr. K. P. S. Gill, being the President of Indian Hockey Federation elected in 1994 and continuing to hold the post of President in all elections ever since, lasting more than 11 years and so was the Honorary General Secretary Mr. K. Jothi Kumaran holding the post for three consecutive terms since 1994 which invited allegations of mismanagement and violation of the term of Government guidelines from the end of Mr. Narinder Batra, Sr. Vice President of Indian Hockey Federation elected for a term from 2004 to 2006.

101. The Constitution of the Indian Hockey Federation was said to be applied more in breach rather than in compliance. Guidelines for Assistance to National Sports Federations dated **14.08.2001** also came into focus prohibiting office bearers

from participating any election after more than two continuous terms.

102. This writ petition came to suffer stiff opposition from the opponent stakeholders which objections were reckoned by the High Court of Delhi to be of tremendous importance so far as the issue of sports was concerned.

103. In **para 10 to para 15**, the High Court of Delhi traversed the Govt. of India's state of relationship with sports leading to the evolution of Guidelines for Assistant to National Sports Federation which came to be revised on the basis of suggestions received from the Indian Olympic Association, the respondent No. 2 herein, and the National Sports Federation with the approval of the Ministry of Finance, Department of Expenditure, Govt. of India.

104. The evolution of the guideless was referred to the recognition by the Government that the sports and games are an essential ingredient of the human resource development and, therefore, the revised guidelines were necessary to streamline the procedure for effective coordination amongst various agencies involved in promotion of sports and to extend required infrastructure, training and other facilities to the sports persons for achieving excellence in the international events.

105. In **para 20**, the broader aspects of the guidelines came to be set out. Said guidelines were also including guidelines for recognition of National Sports Federations and codification for the requirement of granting said recognition by the Govt. of India. Related aspect of these guidelines was related to the tenure of the office bearers of the National Sports Federations.

106. Indian Hockey Federation is also a society registered under the Societies Registration enactment and from that perspective the maintainability of a writ petition under article 226 of the Constitution of India was pressed.

107. The High Court of Delhi by reference to its Division Bench judgment in case of **"Rahul Mehra and others Vs Union of India and others" (MANU/DE/0846/2004)** and of the Hon'ble Supreme Court of India in the case of **"Zee Telefilms Ltd. Vs Union of India" 2005 AIR (SC) 2677** wherein BCCI was held amenable to judicial review of its functions and decisions under article 226 of the Constitution of India by reference to any constitutional or statutory obligation or rights of other citizens ventured to set the adjudication in the matter.

108. The High Court of Delhi tracked the position of law so as to hold Indian Hockey Federation before it as a respondent amenable to juridical review.

109. **Entry 33**, **List 2** of **7th Schedule** came into focus and in that context the exercise of executive function under article 77 of the Constitution of India related to creation of a Ministry known as the Ministry of Youth Affairs & Sports came to be referred to discern the domain of Ministry of Youth Affairs & Sports and in this regard **para 82** came to be spared for identifying the sweep in which matters relating to the Indian Olympic Association and the National Sports Federation also find mention.

110. In **para 84**, the status of National Sports Federation recognized by the Government came to be stated. Enforceability of the **Guidelines of 2001** came to be under consideration by tracking the role of Indian Olympic Association in formulation of those guidelines.

111. The High Court of Delhi came to overrule the objections of the respondents in the said writ petition that the guidelines so prescribed had the impact of supplanting or providing a new condition concerning the working of societies under the Societies Registration Act. The High Court of Delhi came up with the take that by said Guidelines, the Govt., was not prohibiting formation of an association, society or federation with regard to any sport but was only mandating that in order to be entitled to financial assistance or recognition

as a national level body by the Union Government then a particular federation would require to be a society or an association or federation, which enforces democracy by fixing the tenure of the office bearers. The High Court of Delhi, thus, read tenure class prescribed in the guidelines as enforceable.

112. In **para 288** of its judgment, the High Court of Delhi came up with directions in the context of its observations and findings.

113. While the High Court of Delhi was seized of the aforesaid case in terms of its adjudication taking place in terms of judgment dated **02.03.2009**, **Sports Policy of 2007** had come into picture which came to be dealt with by the Hon'ble Supreme Court of India in the case of **"Krishan Lal Gera Vs State of Haryana and others" (2011) 10 SCC 529**.

114. The Hon'ble Supreme Court of India came to deal with the sports stadium and infrastructure related therewith. The Hon'ble Supreme Court of India came to recognize creation of a sports ground, encouraging sports as a apart of the human resource development being the function of the State and took into consideration **Parliamentary Standing Committee on Human Resource Development's 185th Report** on **Promotion of Sports in India** tabled in **Lok Sabha** on **30.11.2006**.

115. The Hon'ble Supreme Court of India registered its concern with respect to the lower standard of Indian sports at international level and in that regard the comprehensive sports policy drawn in **2007** came to be referred to and also to the fact that said policy was subjected to rejection by the Sports Federation. The matter was remanded to be considered by the Punjab & Haryana High Court on it PIL side jurisdiction.

116. In the aforesaid case, the Hon'ble Supreme Court of India came up with its judgment dated **04.07.2011** by which time **National Sports Development Code of India (NSDCI), 2011** had come into picture by reference to which the High Court of Delhi again come to be seized of a matter in a writ petition **WP(C) No. 2310/2012** tiled **"Indian Olympic Association Vs Union of India and others" (MANU/DE/1152/2014)** in which **National Sports Development Code of India (NSDCI), 2011** came into discussion by particular reference from para 44 onwards with particular reference to penultimate para 87 of the judgment.

117. From 2015 onwards, different matters related to the state of affairs of sports and the sports associations/bodies related there with in different States of India at State Level and also at National Level came to engage different High Courts of the Country and also the Hon'ble Supreme Court of India and

in this regard a passing reference would be in the fitness of the context of the case.

- **BCCI Vs Cricket Association Bihar, 2016(8) SCC 535**;
- **Rahul Mehra Vs Union of India and others, (MANU/DE/3809/2010)** decided on **31.10.2017** which became subject matter of challenge in the Hon'ble Supreme Court of India in a Special Leave Petition **SLP(C) Nos. 30748-30749 of 2017** decided on **31.10.2017**;
- **All Indian Football Federation Vs Rahul Mehra and others, (MANU/SC/1295/2025)**;
- **Mahipal Vs Union of India, (MANU/DE/2717/2018)**;
- **Nithya Vs Secretary to Union of India, (MANU/TN/0171/2022)**;
- **Swarnendu Banerjee Vs Union of India and others, (MANU/WB/1750/2022)**;
- **K**. P. Rao Vs Union of India and others, **(MANU/DEL/0799/2023)**;
- **Ravipreet Sinvh Vs National Rifle Association of India; 2013 (1) AIR Del. 549**;
- **Netball Association of Chandigarh and another Vs Union of India and others, 2016(3) PLR 110**;

- **Netball Association of Chandigarh Vs Union of India, CWP No. 12276/2016**, Punjab and Haryana High Court, dated of judgment **23.05.2017**;

- **Rahul Mehra Vs Union of India and others, WP(C) No.195/2010**, High Court of Delhi, date of judgments **10.08.2017** & **31.10.2017**;

- **All Indian Carrom Federation Vs Union of India, WP(C) No. 3314/2016**, High Court of Delhi, date of judgment **06.08.2018**;

- **Samadhan Swimming Club & others Vs Union of India and others, 2018(8) AD 219**;

- **Maharashtra Archery Association Vs Rahul Mehra and others, 2019(18) SCC 287**;

- **Aslam Sher Khan Vs union of India and others, WP(C) No. 5703/2020**, High Court of Delhi, date of judgment **25.05.2022**;

- **Rahul Mehra Vs Union of India, WP(C) No. 8691/2020**, High Court of Delhi, date of judgment **26.05.2022**;

- **Rahul Mehra Vs Union of India, WP(C) No. 195/2010**, High Court of Delhi, date of judgment **16.08.2022**;

- **Indian Olympic Association Vs Union of India, 2014(5) SCC Online Delhi 2675**;

- **President Indian Olympic Association and another Vs SKI & Snowboard India and another, LPA No. 104/2016**, High Court of Delhi, date of decision **23.03.2026**;

- **The Tiruchirappalli District Cricket Association Vs Anna Nagar Cricket Club and another, 2026 INSC 154**;
- **Manjeet Vs Indian Olympic Association and others, WP(C) No. 936/2026**, High Court of Delhi, date of judgment **30.01.2026**;
- **Ranjit Bajaj Vs All India Football Federation and others, WP(C) No. 1552/2025**, High Court of Delhi, date of judgment **25.09.2025**;
- **All Indian Football Federation Vs Rahul Mehra and others, 2025 INSC 1131** &
- **Bajrang Punia and others Vs Union of India and others, WP(C) No. 3164/2024**, High Court of Delhi, Date of judgment **16.08.2024**.

118. In the light of the aforesaid facts and circumstances of the case, this Court cannot escape from arriving at a conclusion that the respondent No. 3–J&K Olympic Association was first supposed to have at its own call and volition an overhauling of its constitution to be revised to come in alignment with the National Sports Development Code mandate and only thereafter the process of election of office bearers and Management Committee could have taken place.

119. The respondent No. 3 – J&K Olympic Association is a micro organization of which the macro organization is the respondent No. 2–Indian Olympic Association which itself has

fallen in alignment with the National Sports Development Code so as to ensure its state of affairs in terms of administration, management and elections getting being conducted under the aegis of the revised constitution fully aligned with the National Sports Development Code.

120. Therefore, the respondent No. 3–J&K Olympic Association cannot claim an immunity of perpetuating an old stereotyped archaic constitution in the name of rules & regulations while its parent body the respondent No. 2 – Indian Olympic Association is in sync with the National Sports Development Code.

121. The manner in which the respondent No. 5-Chander Shekhar Gupta (Advocate) has come to carry out the election process is sham on the face of it for the reason being that he acted on the script as served to him by the respondent No. 6 – Dushyant Sharma who himself has been able to enjoy repetitive term as an office bearer in contravention to National Sports Development Code and Govt. Instructions and also without seeking prior permission from the Govt. or for that matter PHQ for the purposes of participating in the election of office bearers of a sports organization. The respondent No. 6 – Dushyant Sharma, by a misplaced understanding of the previous permission earned by him and becoming a judge in his own

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cause, is taking the permission of the Govt./PHQ for granted and perpetual which otherwise is not the scenario so as to keep on repeating his office bearer stint in the respondent No. 3 – J&K Olympic Association, thus, setting in the malice of monopolizing the office bearership.

122. In the light of the aforesaid, this Court deems it as a constitutional duty to provide to the sports persons of the Union Territory of Jammu & Kashmir related with different sports through the different sports associations affiliated with the respondent No.3–J&K Olympic Association to have the respondent No.3–J&K Olympic Association and the respective sports associations as its affiliates to be governed and managed by the spirit of the National Sports Development Code.

123. Accordingly, this Court declares the impugned election process conducted as being in negation of the National Sports Development Code, and is declared null and void.

124. The contesting respondents No. 3, 6 & 8 are meaning to upstage the writ petition of the petitioner on technical grounds but keeping in view the perspective with which the Hon'ble Supreme Court of India has come to view the sports and the sports organizations in very opening para 3 of the judgment in the case of **"All India Football Federation Vs Rahul Mehra and others, 2025 INSC 1131** observing therein

that it is a constitutional duty to ensure that sporting facilities and opportunities flourish with institutional efficiency, integrity, professionalism and expertise, this Court cannot lower its guard to discharge the duty of presenting an efficient and professionally administered and managed J&K Olympic Association to the sports persons and sports of all descriptions in the Union Territory of Jammu & Kashmir.

125. The answering respondents No. 3, 6 & 8's vehement reference to the pendency of **SLP No. 25767/2022** titled **"India Olympic Association Vs Union of India and others"** before the Hon'ble Supreme Court of India is also of no consequence given the fact that said SLP was tagged with the case of **"All India Football Association VS Rahul Mehra and others"** which has come to earn final verdict from the Hon'ble Supreme Court of India as reported in **2025 INSC 1131**.

126. The respondents No. 3, 6 & 8's insistence that the election conducted has been accepted by the respondent No.2 – Indian Olympic Association is also a farce in the sense that when the respondent No. 2 itself has aligned with the mandate of National Sports Development Code then the respondent No. 2 – Indian Olympic Association cannot give any immunity to its affiliate State Associations like the respondent No. 3 – J&K

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Olympic Association to stay in diametrically opposite state of functioning.

127. This Court has come across with the averments in the reply of the respondents No. 3, 6 & 8 that where it is meaning to suit the answering respondents they are banking upon National Sports Development Code as set out in para 12 of the reply/objections pleading that the appointment of the returning officer i.e. the respondent No. 5 – Chander Shekhar Gupta (Advocate) was by the President of the respondent No. 3 – J&K Olympic Association as per the model election rules circulated vide National Sports Development Code.

128. This Court is not inclined to accept the plea of the respondents No. 3, 6 & 8 that the National Sports Development Code is not applicable to the respondent No. 3. This plea of the answering respondents can be accepted only at the cost of keeping the very existence of the respondent No. 3 – J&K Olympic Association in archaic times whereas the sporting talent of UT of J&K is also keeping pace with the sporting talent of rest of the country and, therefore, in terms of management of their sports, the respondent No. 3 – J&K Olympic Association cannot be allowed to station itself in the old fashioned crafted constitution which is yearning for its revision and upgradation

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and that is what National Sports Development Code is meant for.

129. This Court has no hesitation to observe that the respondent No. 3 – J&K Olympic Association is willing to act as an entity under the patronage of article 370 of the Constitution of India which once governed the State of Jammu & Kashmir only to come to suffer its repeal by an act of Parliament so as to integrate the people of Jammu & Kashmir as well as of Ladakh fully with the national mainstream so as to pulsate with the pulse of nation.

130. As a consequence of the aforesaid, this Court deems it appropriate to appoint a Commissioner-cum-Receiver for the purposes of overseeing the revision of the constitution of the respondent No. 3 – J&K Olympic Association to be in alignment with the constitution of the respondent No. 2 – Indian Olympic Association which in turn is in alignment with the National Sports Development Code and also of the constitution of the various affiliated sports associations, and upon doing the same to carry out conduct of election process for the election of office bearers and the Executive Committee of the respondent No. 3 – J&K Olympic Association in accordance with the updated constitution.

131. Accordingly, this Court appoints two-member Committee of Administrators, namely, **Sh. Chain Lal Bavoria (Retired District & Sessions Judge)** & **Sh. Virender Singh Bhau (Retired District & Sessions Judge)** to take over the administration and management of the respondent No. 3 – J&K Olympic Association for the purposes of undertaking the exercise as mandated by this Court with respect to the revision of the constitution of the respondent No. 3 – J&K Olympic Association and thereupon conduct the election process and submit a report to this Court by or before **29.01.2027**. Interregnum period administration and management of the respondent No. 3 – J&K Olympic Association shall be carried out by two-member Committee of Administrators.

132. The respondent No. 3 – J&K Olympic Association and the respondent No. 6 – Dushyant Sharma shall handover the entire record related with the respondent No. 3 – J&K Olympic Association to be at the disposal of and accessible to the Committee of Administrators who shall then retain the said record till final discharge of the office taking place from their end. The Committee of Administrators shall be entitled to seek extension of time in case the needful exercise is not carried to completion by the scheduled date of **29.01.2027**.

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133. The fee payable to the Committee of Administrators shall be settled upon submission of the final report from their end before this Court for which they shall be laying a motion for enabling recall of the writ petition for the purposes of passing the requisite order with respect to fixation of fee and payment thereof in their favour.

134. All the affiliate State Sports Associations in and of UT of Jammu & Kashmir related with the respondent No. 3 – J&K Olympic Association through their respective office bearers are also directed to fully cooperate and comply with the directives as may come to be issued by the Committee of Administrators without admitting any scope for default.

135. ***Disposed of***.

136. Registrar Judicial, Jammu to provide a copy of this order to **Sh. Chain Lal Bavoria (Retired District & Sessions Judge)** & **Sh. Virender Singh Bhau (Retired District & Sessions Judge)** for notice.

(RAHUL BHARTI)
JUDGE

JAMMU
19.09.2026
Muneesh

Whether the judgment is speaking : Yes
Whether the judgment is reportable : Yes

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