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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Judgment pronounced on: 18.02.2026**+ **W.P.(C) 5375/2023 and CM APPLs.21014/2023, 16420/2024**

UTTAR PRADESH KHO KHO ASSOCIATIONPetitioner
Through: Ms. Vrinda Bhandari and
Ms.Vanshita Gupta, Advocates.

versus

KHO KHO FEDERATION OF INDIA AND ORSRespondents
Through: Mr. Sachin Chopra, Mr. Anuj Tyagi
and Ms. Astha Gupta, Advs. for R-1
and 2.
Ms. Nidhi Raman (CGSC) along with
Mr. Arnav Mittal, Ms. Ridhi Kapoor,
Advs. for R-3.

**CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA**

JUDGMENT

1. The present petition has been filed by the petitioner being essentially aggrieved by the actions of respondent no.1 (the recognised National Sports Federation for the sports of Kho Kho), in disaffiliating the petitioner (a State Association in the state of Uttar Pradesh).

2. The writ petition was originally filed seeking the following prayers:

“a) Issue an appropriate writ, order and/or direction in the nature of mandamus directing Respondent No. 1 to recognize and give effect to the elections for Petitioner’s executive committee held on 27.10.2021 under the supervision of Justice D.P. Singh as the Ld. Returning Officer in terms of the order of this Hon’ble Court dated 09.08.2021, W.P.(C) 863/2021;

b) Issue an appropriate writ, order and/or direction in the nature of mandamus granting re-affiliation to the Petitioner

OR IN THE ALTERNATIVE



Issue an appropriate writ, order and/or direction in the nature of mandamus directing the Respondent No. 1 to grant re-affiliation to the Petitioner;

c) Issue an appropriate writ, order and/or direction declaring Respondent No. 1's office order dated 01.12.2022 bearing ID F. No. 2-5 KKF/EC/ 2019-20/ 2022 and the Affiliation and Election Review Committee's communication dated 01.12.2022 bearing ID F. No. 2-5/KKF/EC/2019-2020/2022 to be illegal;

d) Issue an appropriate writ, order and/or direction appointing a retired judge of this Hon'ble Court to inquire into the allegations against Respondent Nos. 1 and 2, along with a representative of Respondent No. 3 Ministry, and submit a report to this Hon'ble Court within eight weeks; and

e) Pass any other Order(s) as this Hon'ble Court may deem fit in the facts and circumstances of the present case."

3. An application for amendment came to be filed by the petitioner (CM APPL. 57053/2023) seeking to urge additional grounds and raise additional prayers in the context of the report of the "Affiliation and Election Review Committee" (AERC) of respondent no.1, which rejects the petitioner's request for grant of re-affiliation to the petitioner as a recognised State Federation for the sport of Kho Kho in Uttar Pradesh.

4. The said application was allowed *vide* order dated 18.03.2025. An additional reply has been filed by respondent no.1 in the context of the amended petition.

5. It is the case of the petitioner that it is one of the founding members of the respondent no.1 and functioned as an affiliated State Association for the State of Uttar Pradesh till January 2020, when it was allegedly illegally disaffiliated and its administration was usurped by appointment of an Interim Committee (IC) by respondent no.1 *vide* office order dated 30.01.2020.



6. It is submitted that the action was taken by respondent no.1 in concert with the Ex-President of the petitioner (Mr. Sanjay Pratap Singh), who issued a letter dated 19.12.2019 to respondent no.1 informing that the petitioner had been dissolved on account of the alleged failure on the part of the then General Secretary of the petitioner to maintain and furnish the documents required by respondent no.1.

7. The order dated 30.01.2020 was predicated on the dissolution of the petitioner by its then President/Mr. Sanjay Pratap Singh. The same led to the filing of a writ petition bearing W.P.(C) 863/2021, titled ***Mukul Kumar Vs. Union of India***, by the office bearers of the District Association (District Kho Kho Association, Bijnor and District Kho Kho Association, Muradabad).

8. In the said writ petition, this Court, *vide* order dated 09.08.2021, acceded to the request of the parties therein that fresh elections be held to elect the Executive Committee (EC) of the petitioner, and the following directions were issued:

“6. The petition is, accordingly, disposed of by appointing Justice D.P. Singh, former Judge of the Allahabad High Court, Mobile No. (+91 8005498811) as Returning Officer for conducting the elections to the executive body of the UPKKA. Since the parties are at a slight divergence on the aspect of the electoral college for the said elections, the Returning Officer to call for the list of the members forming the electoral college - both from U.P. Kho-Kho Olympics Association as also qua the U.P. Government's Sports Council and thereafter, finalize the electoral college after considering the objections of all aggrieved parties, including the Kho-Kho Federation of India i.e. respondent no.2 before this Court.

7. Since learned counsel for the parties are agreeable that two observers – one from respondent no.2 and one from U.P. Kho-Kho Olympics Association be associated with the elections, the learned Returning Officer is requested to appoint two observers by directing the aforesaid two bodies to send one nominee each. It is expected that upon receiving a



communication from the Returning Officer, both bodies will forthwith furnish names of their nominees.”

9. It is the case of the petitioner that the learned Returning Officer thereafter initiated the electoral process and took note of the repeated irregularities on the part of respondent no(s). 1 and 2 to disrupt and derail the electoral process. The elections were finally conducted, and the results were declared on 27.10.2021.

10. Crucially, the elections were predicated on the observations made by the learned Returning Officer in his order dated 03.10.2021, which is in the following terms:

BEFORE THE RETURNING OFFICER
Justice Devi Prasad Singh
(Former Judge, Allahabad High Court, Lucknow)
W.P. (C) 863/2021 & CM APPL 2275/2021 (Interim relief)

Mukul Kumar Petitioner
Versus
Union of India and Ors Respondents

Dated 03.10.2021

Order

Wherefore, after considering the Model Election Guidelines and the provision contained in the Societies Registration Act and Rules framed there under, and keeping in view the order dated 01.10.2021, the Model Election Guidelines and surrounding facts and circumstances I proceed to hold the election in the following manner: -

1. It is for the elected body to make change in the memorandum of association in case they advise to do so, only procedural aspect may be taken into account for the election under the Model Election Guidelines with appropriate modification.
2. Attention has been invited to Writ Petition (Civil) No 18609 of 2019 order dated 18.09.2021 of the Hon'ble Orissa High Court whereby the Hon'ble Court held that National Federation has no right to interfere with the election of State Association. The operative portion is reproduced as under-

“10. I say that the opp. party no. 4 has not insisted the National Sports Development Code, 2011 on any State Members. I say that the National Sports Development Code 2011 are executive Orders passed by the Ministry of Youth Affairs and Sports, Government of India which are applicable only on National Sports Federations and not on State Associations. Copy of the Letter dated 01.05.2010 issued by the Opp. party No. 1 to the NSF's

A/



and IOA regarding age and tenure Guidelines is marked as Annexure-R4/C.

12. That I say that, on various occasions the Opp. Party No. 4 required appointment of Ad-hoc Committees; but the same was impugned in different proceedings before the Hon'ble High Court of Delhi at New Delhi t and the Hon'ble Delhi High Court deprecated appointment of such Ad-hoc Committee and in case required to make such appointment only with the leave of the Hon'ble Court.

12. I say that the opp. party No. 4 all along insist the national federation to act fairly and to ensure its State Association free from Government and political interference. However, the disputes being between the petitioner and Opp. Party No. 2, the deponent restrains from passing any comments on the allegations made in the writ petition. And seeks the leave to file detail counter affidavit in case, required/south for by the Hon'ble Court."

3. The nomination shall be filed for the election for the post of office bearer and member of the Managing Committee in accordance to the Model Election Guidelines, nomination shall be delivered personally to the returning officer in person by the candidates along the proposer and seconder. Nomination shall be held for two days on the notified dates during working hour that is 11 am to 3 pm. The candidate shall write down their e-mail id in the nomination paper at bottom.
4. List of all nominations received shall be prepared post-wise in Form 3 on the next date i.e., the third day from the commencement of the election and displayed in the office provided by Director Sports, U.P. representing the Sports Council. The outcome of the scrutiny of the election paper shall be communicated through e-mail to all the candidate immediately. During scrutiny it shall be open for the candidate to be present in the office.
5. The list of validly nominated candidates shall be prepared in form 4 with due circulation through e-mail to all the candidates who filed nomination.



6. The candidate shall be entitled to withdraw within two working days from the date of publication of Form 4. The notice of withdrawal of the candidate shall be submitted in Form 5 of the Model Election Guidelines. On the very next day after the date of withdrawal, a final list of the contesting candidates shall be prepared in Form 6 and shall be duly communicated to all the candidates. The final list of contesting candidate shall be prepared in Form 6 with the help of Assistant Returning Officer. The election shall be held after two working days from the date of publication of the final list in Form 6 to enable Director of Sports to make necessary arrangement along with police security. At the distance of 10 feet from the ballot box, each candidate or his representative may be present to witness the counting of vote. The result shall be pronounced on public address system (mic) and be communicated to all the candidates through e-mail. The result shall be declared immediately after counting in Form 15 and shall be duly communicated for all concern for follow-up action by the Director of Sports and Kho Kho Federation of India. Director of Sports shall install video cameras in and outside the polling station during course of voting and counting.
7. The Director Sports, U.P. is requested to facilitate the election and provide all necessary assistance as well as infrastructure to enforce the order date 09.08.2021 and 13.08.2021 of the Hon'ble Delhi High Court.
8. Joint Director Sports, Sri Anil Banudha is engaged and appointed as the Assistant Returning Officer to make necessary arrangement as aforesaid.
9. List of electoral college shall be prepared from the list date 30.07.2017 submitted by the Director Sports in Form 1 with appropriate amendment and will be duly communicated to all person concerned.
10. The scheme of election shall be published in two newspapers, one in Hindi and one in English by the Director of Sports/ Assistant Returning Officer with prior approval.
11. Every candidate during the course of casting vote shall come with Aadhar Card and two copies of Memorandum of Association out of which one copy shall be handed over at the verification table to the person concerned.

The number of the office bearers and number of post shall be same as provided in the bye-laws and Memorandum of Association being binding under the Societies Registration Act and rules framed therein under.

12. Copy of order may be communicate to all concerned person including the registrar of the Delhi High Court being passed in order 09.08.2021 in W.P. (C) 863/2021 & CM APPL 2275/2021. Order dated 1.10.2021 stand modified accordingly.



11. Thus, learned Returning Officer proceeded on the premise that the elections were required to be conducted under the “Model Election Guideline” and that the National Sports Development Code, 2011 (Sports Code) was not applicable for the purpose of elections of State Associations such as the petitioner.

12. For this purpose, reliance was sought to be placed by the learned Returning Officer on the purported order dated 18.09.2021 passed by the Odisha High Court in W.P.(C) 18609/2019.

13. With regard to the aforesaid, an application (CM. APPL. 36514/2021 in W.P.(C) 863/2021) came to be filed by respondent no.1 herein, averring as under:

“vi. The most blatant disregard of the Ld. Returning Officer towards verification of facts put forth before the Ld. Returning Officer has manifested itself in the latest order dated 03.10.2021, passed by the Learned Returning Officer in the matter of elections of UPKKA. In the said order, the Ld. Returning Officer has quoted from an order purportedly passed by the Hon’ble Orissa High Court in WP 18609 of 2019, which has been stated to have been ‘brought’ to the attention of the Ld. Returning Officer, to state that a National Sports Federation has no ‘right’ to ‘interfere’ with the elections of a State Association. It is pertinent to mention here that the fact as to who brought the said order to the notice of the Ld. Returning Officer has not been specified. The purported order dated 18.09.2021, passed by the Hon’ble Orissa High Court, has also neither been annexed along with the order dated 03.10.2021, passed by the Ld. Returning Officer nor a copy of the same has been supplied to anyone. Having doubts on the perusal of the quoted portion of the purported order of the Hon’ble Orrissa High Court in the order dated 03.10.2021, passed by the Ld. Returning Officer, the applicant tried to find out the purported order on the website of the Hon’ble Orissa High Court but could not find the same. Vide a document-dated 03.10.2021, titled ‘Proceeding’, the Ld. Returning Officer, noted that the State Sports Council had been abolished and appointed the Joint Director of Sports, UP, as the Assistant Returning Officer. It is submitted that in view of the fact that at the request of the Petitioner in the captioned Writ Petition, this Hon’ble Court directed the returning officer to call for a list of members inter-alia, from State Sports



Council. Since admittedly the said body is not in existence, no list given by any other body in the place of State Sports Council can be considered by the Ld. Returning Officer as per the order dated 09.08.2021. Further, the appointment of the Assistant Returning Officer is also not valid as per the order-dated 09.08.2021, passed by this Hon'ble Court. After going through the order and proceeding dated 03.10.2021, the applicant made enquiries in regard to the said Writ Petition from the Indian Olympic Association, which is the parent body of the KKFI and a party to the said writ petition. To its absolute shock, discovered that no such order had ever been passed. It is submitted that it is a very serious matter when the Returning Officer has not only quoted copiously from a non existent order, purportedly passed by a High Court but also, on the basis of that non existent order, making serious observations which are neither in consonance with the law laid down by the Courts in this regard, nor the National Sports Code or the Constitution of KKFI. In such circumstances, the elections conducted by the Ld. Returning Officer are bound to be in violation of the National Sports Code and the Constitution of KKFI which is essential for recognition of any member association by KKFI. This is also in violation of the order dated 09.08.2021, passed by this Hon'ble Court in the captioned matter which specifically directed the Returning Officer to consider objections in regard to the finalization of the electoral roll inter-alia from KKFI and to have an observer from KKFI to observe the electoral process.”

14. The said application came to be disposed of *vide* order dated 12.10.2021 in the following terms:

*“1. After some arguments, learned counsel for the applicant seeks leave to withdraw the application with liberty to raise all objections at the relevant stage in appropriate proceedings.
2. The application is, accordingly, dismissed as withdrawn with liberty as prayed for.
3. It is, however, made clear that this Court has not expressed any opinion on the claims made in the application.”*

15. The election results were declared by the learned Returning Officer on 27.10.2021. Certain observations were also made by the learned Returning Officer commenting on the respondent no.1's conduct and alleged lack of cooperation for the purpose of conduct of elections.

16. Thereafter, the petitioner issued a letter dated 03.11.2021 requesting



respondent no.1 to recognise the newly elected EC. The same was followed by numerous other correspondences for re-affiliation. Since respondent no.1 did not act in terms of the said request, the petitioner in W.P.(C) 863/2021 filed a contempt petition bearing no. CCP 931/2021. The same came to be ultimately disposed of *vide* order dated 11.02.2022 in the following terms:

“1. The respondent has sought certain documents from the petitioners for re-affiliation of UP Kho-Kho Association with Kho-Kho Federation of India (KKFI).

2. The learned counsel for the petitioners submits most of the documents have already been supplied and, the remaining documents will be supplied within a period of two weeks or whenever the same is made available to the petitioners from the authorities concerned. Upon receipt of the said documents, the respondent will take a decision in four weeks thereof.

3. It will be open to the parties to approach the court in case of difficulty.

4. The petition along with the pending applications is disposed-off, in the above terms.

5. The order be uploaded on the website forthwith.”

17. It is the case of the petitioner that the requisite documents were supplied by it in terms of the aforesaid order dated 11.02.2022. The same was followed by several rounds of correspondences and also another writ petition bearing W.P.(C) 15048/2022 filed by the petitioner. The said writ petition was disposed of *vide* order dated 31.10.2022, in the following terms:

“1. This writ petition has been preferred assailing a communication of 07 October 2022 in terms of which the second respondent has constituted a panel for the selection of Kho Kho players who were to take part in the trials which were to be held between 18 October 2022 to 19 October 2022.

2. The record would reflect that although the petitioner was affiliated with the second respondent, it came to be disaffiliated on 30 January 2020. The disputes arising therefrom came to form subject matter of CCP No. 931/2021 in which on 22 December 2020 the following directions



came to e made:-

“7. The committee comprised of four national coaches and one outstanding Kho Kho player. The selections were conducted at the venue specified by the KKFI. The Committee selected the Uttar Pradesh team for the Sub-Junior National Kho Kho Championship which was held at District Una, Himachal Pradesh in November, 2021. However, for reasons best known to the KKFI, the exuberance of the adolescent players was crushed as they were not allowed to participate in the championship.

8. Now UPKKA has selected a team to represent the State of Uttar Pradesh for the Kho Kho National Championship to be held from 26.12.2021 at Jabalpur. In fairness, the players so selected should not be put to any disadvantage or inconvenience because of the fact that the elected body has still not been recognized by the respondent. In the circumstances, it is expected that KKFI/respondent would grant provisional recognition, if required, in terms of the aforesaid election results and let the selected UP team participate in the Senior National Kho Kho Championship (Men and Women).

9. The details of the selection panel constituted by UPKKA and the list of players who are selected for the Senior National Kho Kho Championship (Men and Women) shall be filed by tomorrow, supported by an affidavit.

10. Issue notice. The learned counsel named above accepts notice on behalf of the respondent.

11. It will be open to the respondent to acknowledge the aforesaid elections results before the next date.

12. The list of documents which may be sought by KKFI from UPKKA will be furnished to the petitioner, through counsel as well in the course of the day.

13. The learned counsel for the respondent submits that it is important for the KKFI to ensure that players are selected by a panel of experts on the lines of the selection panel suggested by KKFI for the Sub-Junior National Kho Kho Championship.”

3. Before this Court it is admitted that the process for granting recognition to the elections which had subsequently been held by the petitioner is yet to be completed by the Kho Kho Federation of India [KKFI]. In that view of the matter, the Court finds no ground to entertain



the challenge at the behest of the petitioner at this stage and till such time as the issue of its affiliation with KKFI is concluded finally in accordance with the directions issued by the Court.

4. In view of the aforesaid, the ends of justice would warrant KKFI being requested to complete the exercise contemplated in terms of the orders issued by the Court on 11 February 2022 with due expedition and after affording an opportunity of hearing to all concerned parties. Let the aforesaid exercise be concluded with expedition and preferably within a period of six weeks from today.

5. The writ petition shall consequently stand disposed of. All contentions of respective parties on merits are kept open.”

18. On 01.12.2022, the respondent no.1 issued an Office Order bearing No. ID F. No. 2-5 KKFI/EC/2019-20/2022, constituting the Affiliation & Election Review Committee (AERC) to examine the petitioner’s application for recognition. The Office Order directed the AERC to issue a show-cause notice and grant an opportunity of hearing to the petitioner and to submit its report to respondent no.2 (Mr. M. S. Tyagi, General Secretary, KKFI) by 05:00 PM on 05.12.2022.

19. Thereafter, in terms thereof, the AERC issues a letter dated 01.12.2022, to which the petitioner responded on 05.12.2022, reiterating that all available documents had been supplied and requesting recognition of its Executive Committee, elected under the supervision of the learned Returning Officer in terms of the order dated 09.08.2021 passed in W.P.(C) 863/2021.

20. The recommendations/report of the AERC have been placed on record along with the Short Reply Affidavit filed on behalf of the respondent no.1. The said report concludes as under:



CONCLUSION OF REPORT

26. It is clear to the committee that even when the records/information were requested by KKFI to be made available by the Returning Officer, by letter dated 25.10.2021, the Returning Officer had also said that the records are the property of UPKKA and KKFI may later make a request to UPKKA to provide the records. The requests made by KKFI and also this committee. But either the information or documents requested were not provided or incomplete information was provided. It appears that this was done to hide instances of violation of KKFI Memorandum, directives or instructions forming a part National Sports Code, financial irregularities, and perpetual illegal holding of posts by certain persons and government servants which are discussed and analysed earlier in this report. The vague grounds adopted by UPKKA for avoiding submission of these requested documents or information with KKFI, which are stated to be given to someone in original or lost in theft, are not at all convincing. The committee observes that there appear to be serious irregularities in financial and administrative aspects of functioning of UPKKA which cannot be reconciled.

27. The committee thinks that any member of KKFI when asked for information or documents in regard to its administrative or financial functioning or elections should promptly provide the same if they have to continue as members and strict action should be taken by KKFI against any state unit which does not provide requested information or documents within a reasonable time period. The committee notes that more than enough opportunities were given by KKFI to UPKKA to provide information and documents which were avoided to be submitted by UPKKA. It is the responsibility of UPKKA to keep at least a copy of its own records and the records regarding its members. The submission of such records which provide the true status of membership of UPKKA at a particular time when the elections are conducted is of critical importance, as only members of UPKKA as on the date of elections could participate and cast votes in the elections.

28. For the discussions and analysis made earlier, the Committee recommends that KKFI should reject the application of UPKKA for re-affiliation with KKFI. The committee observes that if KKFI, despite all irregularities committed by UPKKA, gives re-affiliation to UPKKA, it will set a very poor example for all other members that they can openly disregard the Memorandum of KKFI and Sports Code, place incorrect facts in response to KKFI's queries and still remain affiliated members and enjoy all associated privileges. The committee further recommends that KKFI may consider taking action against UPKKA for misappropriation of government funds, if such misappropriation is re-confirmed by KKFI from records available.

29. The members of this committee thank KKFI for providing this opportunity to prepare this report and place facts before the General Council of KKFI, which may consider this report and decide the future course of action.



21. Thereafter, the report of the AERC was considered by the General Council of the KKFI in its meeting dated 28.06.2023. In view of the recommendations/findings rendered in the said report, the application of the petitioner for re-affiliation with the KKFI came to be rejected. It is for the purpose of assailing this decision that the petitioner sought to amend the present petition by way of CM APPL. 57053/2023.

22. It is noticed that the report of the AERC is replete with findings that the elections having been held in violation of the National Sports Code and also as regards irregularities in the management and administration of the petitioner. Detailed findings have been rendered in the report of the AERC with regard to the violation of the provisions of the Sports Code. The said allegation, however, have been refuted by the petitioner.

SUBMISSIONS ON BEHALF OF THE PETITIONER

23. Learned counsel for the petitioner has contended that -

(i) The petitioner was one of the founding members of the KKFI and was operating as a recognised State Association for Kho Kho in Uttar Pradesh from its inception until it was illegally disaffiliated by the KKFI on 30.01.2020.

(ii) The constitution of the Interim Committee (IC) by the respondent no.1 was on the dubious and illegal premise that the petitioner was dissolved on 19.12.2019, even though the terms of the petitioner was to expire only in July 2021. It is further pointed out that the petitioner was never issued a disaffiliation letter and could not have been possibly disaffiliated, without seeking consent of General



Council at an AGM.

It is submitted that the respondent no.1 acted illegally, in concert with the Ex-President of the petitioner, for the purpose of dislodging the duly elected Executive Committee (EC) of the petitioner, and in continuance of the said nefarious design, the petitioner was disaffiliated.

(iii) It is emphasised that the *mala fide* intentions of the respondent no.1 are evident from the fact that even after elections were duly conducted under the aegis of the learned Returning Officer appointed by the Court, the said elections have not been recognised by the respondent no.1. Further, it is brought out that the respondent no.2, besides orchestrating the illegal disaffiliation of the petitioner, has registered a parallel body, *viz.* Uttar Pradesh Amateur Kho Kho Association (UPAKKA), in order to dislodge the petitioner's position as the recognised State Association.

It is pointed out that the respondent no.2 is illegally continuing as a member of the Executive Committee of the respondent no.1 despite having attained the age of 70 years, in contravention of the Sports Code.

(iv) Attention is drawn to the fact that the learned Returning Officer appointed by this Court *vide* order dated 09.08.2021 in W.P.(C) 863/2021, in his concluding remark, clearly alluded to *mala fides* on the part of respondent no.1 for the purpose of stalling the elections.

(v) It is submitted that despite the conclusion of the elections, the respondent no.1 has illegally refused to recognise and grant re-affiliation to the petitioner on extraneous grounds, thereby



jeopardising the interests and rights of sportspersons, coaches, and other stakeholders in the State of Uttar Pradesh, who are currently unrepresented by any State Association.

(vi) It is submitted that it was only to somehow avoid the petitioner's recognition on extraneous grounds that respondent no.1 made unprecedented and onerous requests for document *vide* letters dated 23.12.2021 and 25.01.2022.

(vii) It is submitted that the said information has not been sought from any other State Association. Notwithstanding the same, it is submitted that the requests for documents were, to the extent possible, complied with by the petitioner. It is submitted that the non-availability of certain documents is on account of the fact that they are being illegally held by certain erstwhile members of the Executive Committee of the petitioner, who are acting in concert with the respondent no.1.

(viii) It is submitted that it is untenable for the respondent no.1 to resist granting recognition to the petitioner and thereby deprive the State of Uttar Pradesh of any stake in the sport of Kho Kho, despite the elections of the petitioner having been duly conducted under the aegis of the learned Returning Officer *vide* order dated 09.08.2021 passed by this Court in W.P.(C) 863/2021.

SUBMISSIONS ON BEHALF OF THE RESPONDENT

24. Learned counsel for the respondent has submitted that between 2017 – 19, UPKKA was repeatedly requested by the KKFI to provide information regarding various aspects of its functioning including its registration



certificate, details of the last elections held, the composition of its electoral college, audited accounts and the names and numbers of its affiliated district units.

25. It is submitted that these requests were also raised during the General Council Meeting of the KKFI, which was attended by Mr. Vinod Kumar Singh, the then Secretary of the petitioner and/or other authorised officials of the Association.

26. It is pointed out that during the General Body Meeting of UPKKA held on 15.12.2019, Mr. Vinod Kumar Singh (the then President) inexplicably resigned from his position as Secretary for UPKKA. However, despite his prior assurance that he would provide the requisite documents, he failed to do so.

27. It was in the aftermath of this that the then President of UPKKA informed all the District Kho Kho Association in Uttar Pradesh that due to the General Secretary's failure to maintain and furnish essential documents, the UPKKA Executive Committee stood dissolved with immediate effect. It is emphasised that key documents pertaining to the functioning of the UPKKA have still not been made available, including the registration certificate and details of all affiliated district units. It is submitted that the steps taken by the KKFI to establish an Interim Committee (IC) were in accordance with the constitution of the KKFI and in view of the alleged rampant violation of the Sports Code by the petitioner.

28. It is submitted that although the KKFI conveyed its no objection to the holding of elections of the petitioner during the course of proceedings in W.P.(C) 863/2021, the same by itself cannot be construed as a waiver of the right of the respondent no.1 to insist on adherence to the provisions of the



Sports Code and the supply of necessary documents to verify the same.

29. It is submitted that violation of the Sports Code by the petitioner is evident from the fact that:

- (i) till date the petitioner has not provided to the respondent no.1 the composition of its electoral college, audited accounts, and the name and numbers of its affiliated district units.
- (ii) the fact that five persons who were elected in the elections held pursuant to the orders passed by this Court in W.P.(C) 863/2021 had previously held elected post in Sports organisation and were barred from contesting the elections.

It is pointed out that one of these persons is the erstwhile Secretary of UPKKA, whose election to a post in the KKFI was earlier held invalid by the Ministry of Youth Affairs and Sports (MYAS), as he has not obtained a No Objection Certificate (NOC) from his parent department, which was necessary in according with the provisions of the Sports Code.

(iii) Attention is drawn to the letter dated 30.12.2020 issued by the Ministry of Youth Affairs and Sports, Government of India, which, in pertinent part, reads as under:

“a Government servant may be allowed to hold elective office in any body, whether incorporated or not for a period of two terms or for 5 years, whichever is earlier, for which, prior sanction would be required when a Government servant contests an election in such body, as per existing rules.”

This letter has also been relied upon by the AERC of the KKFI in paragraph 18 of the AERC Report. A copy of the said letter was handed over to the Court and to Counsel for the respondents on



08.04.2025 during the hearing. On a perusal of this circular, which forms part of the NSC, it becomes clear that two terms or 5 years, whichever is earlier is the maximum a government employee can hold elective office in any body, for which purpose also, prior sanction would be required from the parent department of the government employee.

It is submitted that in the instant case, it is an admitted position that Mr. Dharmendra Singh (Chairman, UPKKA), Mr. Jai Prakash Sharma (Vice President, UPKKA), Ms. Kanak Chakradhar (Treasurer, UPKKA), Ms. Sudha Rani Tiwari (President, UPKKA), and Mr. Vinod Kumar Singh (Member Executive, UPKKA) are government employees. In addition to this, on a perusal of documents submitted before AERC by Mr. Shivanand Nayak, it emerged that it had been concealed by UPKKA, that its Secretary, Mr. Chandrabhanu Singh, is also an employee of the UP Government which fact was not disclosed by UPKKA, despite pointed queries. All the aforementioned 6 persons have admittedly held elected post in sports bodies for more than 1 term and 5 years and hence were not qualified to contest for the last elections of UPKKA, Additionally, no valid NOC was obtained by such government employees, before contesting for various posts in UPKKA. It is submitted that it was on this very ground that an earlier election of Mr. Vinod Kumar Singh to KKFI was rejected by MYAS, Government of India. Further, the election of Mr. Dharmendra Singh is also in violation of the National Sports Code, as the Code doesn't provide for any elective post of 'Chairman' in a Sport Organisation.



Such innovative nomenclatures have also been held invalid by this Court in the matter of Mahipal Singh and Ors. Vs. Union of India. Therefore, it emerges that the election of the Chairman, President, Secretary, Treasurer, Vice President and Member Executive is invalid. Individually, on each of the three grounds alone, it is clear that the provisions of National Sports Code were violated in the course of the last elections of UPKKA.

(iv) It is further submitted that, during the election process, Mukul Kumar and Vinod Kumar Singh misled the RO by providing an unauthorised list of affiliated associations and a fabricated order, allegedly passed by the Orissa High Court (the said judgement was exhaustively quoted and relied upon by the Ld RO in his order dated 03.10.2021, whereby the Ld. RO varied his own order dated 01.10.2021). A perusal of the order dated 03.10.2021 passed by the RO itself would reveal that the portion of the purported Orissa HC order quoted in the said order could not be the contents of a judicial order. Concerns regarding the same were highlighted by KKFI before the RO vide affidavit dated 20.09.2021. This led to irregularities in the electoral process from the inception itself, prompting KKFI to bring the matter before this Court. Vide order dated 12.10.2021, in CM Application No. 36514/2021, in WP(C) No. 863/2021, this Court granted liberty to KKFI to raise objections at an appropriate stage, in appropriate proceedings and therefore these irregularities, which have been consistently brought to the attention of this Court, are being again highlighted.



It is emphasised that a perusal of the order-dated 03.10.2021, passed by the Ld. RO, reveals that, on the strength of the aforementioned fabricated order, the RO took a view that the provisions of NSC, would not apply on the elections of UPKKA and only the Model Elections Guidelines may apply. This excluded the application of *inter-alia*, the age/tenure guidelines, the tenure and NOC guidelines applicable to government employees, forming a part of the National Sports Code, as also, led to multiple violations of the KKFI Constitution. It is submitted that till date, even after the passage of more than 18 months since the filing of the said affidavit by KKFI, the UPKKA has not been able to refute the submission that the said order/judgment purportedly passed by the Orissa High Court does not even exist.

30. Finally, it is submitted that in view of innumerable violations of the National Sports Code and provisions of KKFI Constitution; active and deliberate concealment of material information regarding its accounts/finances by UPKKA in violation of KKFI Constitution; reprehensible misleading of RO by UPPKA by placing reliance on a fabricated order allegedly passed by Orissa High Court, diversion of funds meant for spending on sports by UPKKA, UPKKA was indeed liable for cancellation of its membership by KKFI. Such Petitions where the petitioners are caught lying on affidavit before this Court, deserve to be dismissed with exceptional costs and such frivolous Petitioners deserve no consideration on equity, whatsoever from this Court.



REASONING AND CONCLUSION:

31. At the outset, it is noted that the affairs of the petitioner association have been plagued by controversy since 2019 (and even prior thereto). Unfortunately, the plethora of litigations (W.P.(C) 863/2021, CCP 931/2021 and W.P.(C) 15048/2022) have not served to ameliorate the situation.

32. It is noticed that pursuant to order dated 09.08.2021 in W.P.(C) 863/2021, elections were held to elect the Executive Committee (EC) of the petitioner. This Court appointed a former judge of the Allahabad High Court as the Returning Officer. However, even the conduct of the said elections is mired in controversy. It is noticed that in a crucial order dated 03.10.2021 passed by the learned Returning Officer, reliance was sought to be placed on a judgment/order ostensibly delivered by the Odisha High Court. The said judgment was relied upon by the Returning Officer for concluding that only “Model Election Guidelines” were relevant for the purpose of the election and that the National Sports Code was not at all applicable to the State Associations such as the petitioner.

33. It transpires that no such order was ever passed by the Odisha High Court. In other words, the learned Returning Officer relied upon a fictitious/non-existent order for the purpose of ascertaining the rules/parameters in the context of which the elections were required to be conducted. This clearly vitiates the election process.

34. It has been conceded by the petitioner that the cited portion in the order dated 03.10.2021 passed by the Returning Officer is not from any order/judgment of the Odisha High Court, but from a counter-affidavit filed by the Indian Olympic Association through its Secretary General in some



litigation which is unrelated to the present matter.

35. It is rather unfortunate that the learned Returning Officer was misled and it was wrongly projected before him that the observations (on which he eventually relied upon), were part of a judicial order passed by the Odisha High Court.

36. The aforesaid led to the erroneous conclusion that a State Association (such as the petitioner), was not concerned with or required to adhere to the provisions of the Sports Code. This is in utter contravention of the legal position set out by the Supreme Court in the case of **Rahul Mehra vs. Union of India**, W.P.(C). 195/2010, *vide* judgment dated 16.08.2022, wherein it has been held that the provisions of the Sports Code are binding on every constituent of the NSF, including State Association such as the petitioner.

37. The same position has also been reiterated by the Division Bench of this Court in **K.P. Rao vs. Union of India and Ors.**, 2023/DHC/000974. The relevant portion of the said judgment is reproduced as under:

“28. The Division Bench in Rahul Mehra (supra) also considered the question as to whether the Sports Code must be made applicable to the IOA and to every constituent NSFs and to every State and District Level Association and inter alia concluded that:

“102. As has been discussed hereinabove, the legal regime apropos sports administration in India has to be implemented fully and effectively. Compliance with the Sports Code is non-negotiable. If a sports federation does not comply with the law of the land, it will receive no recognition from the Government. All benefits and facilities to it will stop promptly. It is better that a legitimate body represents the cause of sportspersons than one simply masquerading as the real champion of Indian sports. Fairness and legitimacy needs to imbue all public affairs. Recalcitrant entities which defy adherence to rules of the game, while continuing to unjustly enjoy government's largesse and patronage, must be called out.”



(underlining supplied)

29. Concurring with the view expressed in *Rahul Mehra (supra)* by *Najmi Waziri J, Manmohan J* supplemented and held as under:

“110. What the present writ petition highlights is that electoral colleges of most of the sports bodies are controlled by a few individuals where genuine sportsmen find it difficult to get elected and play an important role in management. Most of the sports bodies are split down the middle. Even the Electoral College/list of authorised representatives to attend and vote at the General Body meeting of the IOA is seriously disputed.

111. This Court is surprised that the IOA Constitution in vogue stipulates that President of IOA can be for life. Seeing the present Constitution, one is reminded of the mausoleum of first Emperor of China *Qin Shi Huang*, where terracotta soldiers were buried with the purpose of protecting the Emperor in his afterlife!

112. Despite lapse of a few decades, a preliminary and a small step taken by the Union of India in the form of Circulars/Sports Code have not been accepted by all the sports bodies till date. What is surprising is that even those individuals who agreed to abide by the suggestions of the Union of India & IOC in the minutes of meeting executed between the IOC, Union of India and IOA on 18th June, 2010 voted against their compliance in the General Body of IOA as noted by Union of India in its letter dated 23rd February, 2011.

113. This is baffling as nearly the entire money and infrastructural support is provided by the Central and State Governments.

114. Consequently, this Court is of the view that the Sports Code must be made applicable to every constituent of every NSF, including IOA as well as its constituents. This is conceded by Union of India in its affidavit dated 3rd October, 2012, wherein it is stated, “In response to para 17 it is submitted that the Government Guidelines of 1st May, 2010 are binding on the National Sports Federations recognized by this Ministry. Be that as it may, as a matter of Basic Principles of Good governance and International Best Practices including restrictions on age and tenure as mandated in the Olympic Charter, what is good for the parent NSF's including IOA should also be good for their Members State/District Level Federations and/or Associations.”



Accordingly, respondent No. 1/Union of India is directed not to grant recognition or any facility (monetary or otherwise) to the IOA or to any NSF and/or any of its affiliated Associations, if they refuse to comply with the Sports Code as directed by this Court.

115. Further, those who mismanage the sports bodies and those who have converted the sports bodies into their personal fiefdoms, dare the Government/Authorities and Courts that if they try to democratize the sport association and remove the mis-management, the country would suffer derecognition and the Indian sportsmen would not be able to participate under the country's flag in the immediate future. In fact, the respondents have tried their best to brand the 'problem solver' (i.e. the Court/Government) as the 'problem'.

116. It is high time that structural reforms are implemented to remove the mis-management in the sports bodies and to democratize these institutions. The Central and State Governments may well consider passing a comprehensive legislation with regard to recognition and management of sports bodies incorporating the best practices and the IOC Charter without which no facility (monetary or otherwise) should be granted by any State and Union of India.

117. This Court clarifies that the intent of the judgment is to improve the 'eco system' and bring about structural reforms and is not directed against a particular individual or sports federation."

(underlining supplied)

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38. Further as noticed hereinabove in *Rahul Mehra (supra)*, the Division Bench has clearly held that the Sports Code must be made applicable to every constituent of every National Sports Federation. Only its players will have an opportunity to participate in district, state and national level events and avail of the facilities that are made available by the AKFI and the Government and even have an opportunity to represent India in international level events.

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43. In view of the above, it is held the 'age and tenure restriction' on the members of the Governing Body imposed by the National Sports



Development Code of India 2011 applies not only to the Amateur Kabaddi Federation of India but also to all its constituents at the State and District Level.

44. Further, the representatives of the State Associations to the National Federation have to be compliant of the 'age and tenure restriction' imposed by the Sports Code and likewise the representatives of the District Associations/bodies to the State Association have to be compliant of the 'age and tenure restriction' imposed by the Sports Code.

45. Clause 8.4 of the Constitution of AKFI defines the General Assembly of AKFI to mean and includes the Representatives deputed by the Member Units in accordance with the Rules of AKFI.

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48. Accordingly, as per the Constitution of AKFI, it is the President and Secretary of the affiliated Member unit who have to attend the General Body Meeting, however, if they are unable to attend or are disqualified that they can jointly nominate their representative. If there is a dispute on the nomination, then the nomination by the President shall prevail. However, the nominated person should be qualified to attend.

49. The District Associations/bodies and/or State Association are also liable to comply with the 'age and tenure restriction' imposed by the Sports Code and if they fail or refuse to comply with the same, they would be liable for action which may entail disaffiliation and/or removal as a recognized District and State constituent of the AKFI."

38. The provisions of the National Sports Code, *inter alia*, with regard to tenure and age are valid and binding upon the State Federations such as the petitioner. The provision relating to transparency and financial accountability are equally applicable.

39. Further, in terms of the Sports Code, a State Association is required to consist of affiliated District Associations¹.

40. Given the binding nature of the Sports Code, this Court is unable to

¹ 3.19 The State level associations which are affiliated to the National Federation should in turn have a minimum number of affiliated district-level associations (say 50% of the districts in the State).



find any fault with the respondent no.1/Recognised National Sports Federation, in seeking the requisite documents to verify whether a particular State Association is adhering to the provisions of the National Sports Code or not.

41. Evidently, it is for this purpose that the respondent no.1 has sought details from the petitioner with regards to (i) the composition of its electoral college, (ii) audited accounts, (iii) the names and number of affiliated District units, and (iv) information and documents pertaining to the age/tenure to its elected office bearers.

42. Learned counsel for the respondent no.1 is right in contending that the fact that the respondent no.1 agreed, during the course of proceedings in W.P.(C) 863/2021, to the conduct of elections for electing an Executive Committee (EC) of the petitioner cannot be construed to mean that respondent no.1 agreed to grant recognition/affiliation to the elected office bearers regardless of the applicable rules and provisions of the constitution of the KKKFI and/or in contravention of the provisions of the Sports Code.

43. A festering controversy subsists with regard to the eligibility of five persons who were elected in the elections held pursuant to the order dated 09.08.2021 in W.P.(C) 863/2021.

44. According to the respondent no.1, Mr. Dharmendra Singh (Chairman, UPKKA), Mr. Jai Prakash Sharma (Vice President, UPKKA), Ms. Kanak Chakradhar (Treasurer, UPKKA), Ms. Sudha Rani Tiwari (President, UPKKA), and Mr. Vinod Kumar Singh (Member Executive, UPKKA) are government employees. In addition, its Secretary, Mr. Chandrabhanu Singh, is stated to be an employee of the UP Government.

45. Attention is drawn to the letter dated 30.12.2020 issued by the



MYAS, Government of India. The same reads as under:

“Sub: Adoption of instructions relating to fixing an upper limit of terms / the number of years for which Government servants can hold elective posts; and prior approval of the Government for contesting/canvassing in the elections to sports bodies-reg.

Sir,

I am directed to refer to this Ministry's letter No. 14-82/2009-SP.IV dated 04.02.2010 and letter No. 9-38/2016-SP.1 dated 14.02.2017, whereby it was intimated that holding of elective office in various Sports Bodies by Government servants belonging to Central Government is regulated in terms of the provisions contained in the CCS (Conduct Rules), 1964; and that employees of PSUs/autonomous bodies of Union/State Government will also be governed by the same principle as applicable to Government servants, respectively (copies enclosed).

2 I also directed to refer to Department of Personnel & Trailing's Office Memoranda No. 11013/1/2016-Estt.A-III dated 05.08.2019 and 27.02.220 regarding Sanction for holding an elective office under rule 15(1)(c) of CCS (Conduct) Rules, 1964 (copies enclosed), wherein the wherein the relevant provision reads as under:

"u Government servant may be allowed to hold elective office in any body, whether incorporated or not, for period of two terms or for a period of 5 years, whichever is earlier, for which prior sanction would be required when a Government servant contests an election in such body, us per existing rules."

3. Since the instructions issued by the Department of Sports on the limiting the term and tenure of Government servants of Union & State Governments and employees of PSUs /autonomous bodies of Union and the State Government for holding elective office in a NSF were based on the instructions of DoP&T, the Indian Olympic Association and all the recognised National Sports Federations are hereby advised to follow and implement the above quoted instructions contained in the latest DoP&T O.M. dated 27.02.2020.

4. Any further instruction by DoP&T in this regard will be automatically applicable on Indian Olympic Association and all the recognised National Sports Federations in the matter of Government servants holding elective posts in IOA/NSFs.

This issues with the approval of competent authority.”



46. It is submitted that all the aforesaid persons have admittedly held elected posts in Sports bodies for more than one term and five years and hence were not qualified to contest for the last elections of UPKKA. The relevant factual position has also been set out in paragraphs 16, 17, 19, 21 and 22 of the AERC Report.

47. Additionally, it is submitted that no valid NOC was obtained by such government employee before contesting for various posts in UPKKA. It is pointed out that it was on this very ground that the early election of Mr. Vinod Kumar Singh to the KKFI was rejected by the MYAS, Government of India. Further, in this regard, reliance is placed on a letter dated 26.12.2017 issued by the MYAS to the respondent no.1. The same reads as under:

To

General Secretary,
Kho-Kho Federation of India,
Atlanta Hospital, Sector-14,
Vasundhara, Near Atal Chowk,
Ghaziabad (UP)
(E-mail – khokhoindia2017@gmail.com)

Sub: Election of Office Bearers of Kho Kho Federation of India (KKFI) (2017-2021).

Sir,

I am directed to refer to your letter dated 2/12/2017 on the subject noted above and to say that the report of the election of the office bearers for a period of four years from 2017-2021 has been examined in the Ministry and the following office bearers have been taken on record:-

1.	Shri Sudhanshu Mittal	President -	18/9/1959 (1st Term)
2.	Shri Mahender Singh Tyagi	General Secretary -	8/4/1953 (1st Term)

2. As per the Sports Code provisions, any Govt./PSU employee can hold elective post in sports body only for one term or 4 years whichever is less. The elections of the following persons have not been accepted for non-compliance of the in light of the provisions of the National Sports Development Code of India, 2011.

1.	Shri Rajib Prakash Barua	Vice President	Working as Additional Commissioner, Guwahati (2 nd term)
2.	Shri M. Madhusudan Singh	Joint Secretary	Working as physical Education Teacher in Manipur (3 rd Term)
3.	Shri Y. Srinivas Rao	Treasurer	Working in State Bank of India (NOC not submitted before election.)
4.	Shri Vinod Kumar Singh	Joint Secretary	Working as Physical Education Teacher, UP (NOC not submitted before elections)

2. KKFI, if it so desires, may fill up the vacant posts as per the provisions of Sports code.

3. This issues with the approval of Hon'ble MOS (I/C) YA&S.

Yours faithfully,

(A.K. Patra)

Under Secretary to the Govt. of India
Tele/Fax : 23382560

Copy to:-

1. DG (SAI), J.N. Stadium, New Delhi.
2. Secretary General, Indian Olympic Association, New Delhi.



48. It has also been pointed out that the election of Mr. Dharmender Singh is in violation of National Sports Code, inasmuch as the said Code does not provide for any elective post of “Chairman” in Sports Federation. It is rightly pointed out that this Court has frowned upon the induction of persons in the guise of such innovative nomenclature in the Executive Bodies of Sports Federations. In this regard, it is apposite to take note of the observations of the Division Bench of this Court in ***Mahipal Singh and Ors. Vs. Union of India***, 2018 SCC OnLine Del 10284. The relevant portion of the judgment is reproduced as under -

“67. The Model Election Guidelines annexed to the NSCI and constituting a part thereof clearly set out the officers who would constitute Office Bearers of the NSF, and the post of “Life President” is not among them. Indeed, neither does the NSCI, nor do any of the Circulars issued prior thereto, contemplate a post of “Life President” in an NSF. While Clause 19 of its pre-amended MOA included, in the Office Bearers of the AKFI, only the President, Vice Presidents, Honorary General Secretary, Honorary Joint Secretaries and Honorary Treasurer, Clause 8.9 of the amended MOA of the AKFI included, among the Office Bearers, the “Life President”. This was, on the face of it, illegal, as the NSCI did not visualize any post of Life President at all, in an NSF, either as an Office Bearer, or otherwise.

68. In our opinion, as a beneficiary of the recognition conferred by the Government, the AKFI was bound by the stipulations contained in the NSCI, and other Cognate Guidelines issued by the Government, and had no authority to create posts de hors, and in excess of, those contemplated by the NSCI.

69. Apart from the fact that the AKFI, in its capacity as a NSF availing recognition from the Government, did not have any authority to create a post of “Life President”, where the NSCI did not contemplate the existence of any such post, Clause 15.8 compounded the illegality by providing that the Life President would hold office during his life entire time. This stipulation, again, directly infringed the tenure limits, specified in the NSCI which, as already noted hereinabove, were binding on all recognised NSFs, including the AKFI. The creation of such an immortal entity, blessed with the gift of “ichhamrityu” (death at will) was, we are certain, not even remotely within the imagination, not to say



contemplation, of the framers of the NSCI.

70. Equally, the post of Life President itself being an illegally created post, there could be no question of the holder of the said post having any right to represent the AKFI at any international forum. The NSCI, as well as the Guidelines issued prior thereto, clearly permitted representation, by any NSF, in continental or international sports events in which India was a participant, only if the NSF complied with the stipulations prescribed therein, which included adherence to the age specifications and tenure limits specified, as well as conducting of elections in accordance with the Model Election Guidelines.

71. In any event, the very creation of the post of Life President being vitiated by law, there could be no question of granting any benefits to the holder of such an illegally created post. Though Mr. Dubey asserted that no salary, or emoluments, were paid to Respondent No. 4, in his capacity as Life President, expenses would, no doubt, be incurred in allowing Respondent No. 4 to travel nationally and internationally, purportedly representing the country in sporting events. These expenses are defrayed out of public monies, and amount to thievery of the ordinary citizen by executive dispensation, which is completely unthinkable in law.

72. Clauses 8.9, 15.8 and 17.2 of the amended MOA of the AKFI are, therefore, declared to be completely illegal, and liable to be struck down.”

49. Thus, it has been sought to be brought out by the respondent no.1 that the election of Chairman, President, Secretary, Treasurer, Vice-President and members of the executive committee of the petitioner are invalid on account of violation of the National Sports Code.

50. It appears that the learned Returning Officer was precluded from going into the issue of the eligibility of the contesting candidates on the touchstone of the National Sports Code on the basis of the fictitious/ non-existent order of the Odisha High Court, that came to be cited before him, and on which reliance was unfortunately placed by the learned Returning Officer, as duly recorded in the order dated 03.10.2021 issued by the learned Returning Officer.



51. Also, a perusal of the AERC Report reveals that scathing findings have been rendered therein *qua* the petitioner. The relevant portions of the report are reproduced herein below:

“14. Further, in regard to the audited statement of accounts and balance sheet for accounts held by UPKKA in the last 5 years, Mr. Chandrabhanu Singh in his letter dated 06.04.2022 states that "Further, the Ex-Secretary Sh. Vinod Kumar Singh vide-letter dated 19.02.2022 Informed that certain documents were stolen from the train when Sh. Rajesh Kumar Verma was travelling to Deoria, UP to handover the bag to Sh. Vinod Kumar Singh in which certain documents of UPKKA were kept." [Quoted Verbatim].

The committee notes that Rule 12 of UPKKA Memorandum provides that the UPKKA will function through a bank account maintained with a Nationalised Bank. Copies of the account statements of such bank accounts could also have been reapplied for from the concerned Bank and submitted with KKFI to show the deposit of fee submitted by members. However the same was also not provided to KKFI. Further, the copies of most of the documents mentioned above could also be obtained from the concerned Registrar of Societies where such records ought to have been submitted from time to time by UPKKA, But, UPKKA did not submit these documents. This information and documents were important because Rule 5 of the UPKKA Memorandum states that the membership of members who do not deposit the membership fee for two consecutive years will stand terminated.

The committee is of the opinion that such financial and administrative records, were relevant to reveal if the financial affairs of the UPKKA were being conducted In a proper manner; which district associations had deposited membership fees with UPKKA, which will in turn disclose the actual membership of UPPKA at any given point of time and if the members of district associations were adhering to the constitution of KKFI, the directives prescribed in National Sports Code and general principles of fairness. The explanation offered by UPKKA is extremely vague and does not explain why the financial documents of UPKKA were in the custody of the said Mr. Rajesh Kumar Verma and how did the documents reach him, in what capacity was Mr. Verma holding these documents. In the absence of bank account statements alongwith corresponding receipts of deposit of fee, the statement of Mr. Chandrabhanu Singh that the former Treasurer had noted in his diary about the deposit of fee by district associations is not credible.



The committee notes that as per UPKKA's memorandum, to keep and to maintain records pertaining to UPKKA and its district associations with itself is the responsibility of UPKKA. UPKKA cannot avoid maintenance of such original or photocopy of such records with itself by putting the blame for non submission on the prior office bearers, particularly when the prior secretary, Mr. Vinod Kumar Singh who is still executive member of UPKKA, has been blamed an by the prior President and the prabhari UP to be guilty of non submission of the said official records to KKFI and he did not deny any of these allegations before the Honourable High Court.

The committee, after going through the relevant documents and interacting with Mr. Chandrabhanu Singh is therefore of the view that the UPKKA has been constantly avoiding disclosure of such information and records requested by KKFI for years altogether, for reasons which are far from convincing being not credible or reasonable.

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17. The committee notes that although details regarding tenure and earlier elective posts held by the persons stated to be under Government Employment has not been disclosed by UPKKA, a document stating to contain list of office bearers of UPKKA and its Affiliated Districts as on 30.07.2017 was filed by the prior Secretary of UPKKA Mr. Vinod Kumar Singh before the Honorable High Court in writ 863-2021 as Annexure A with his affidavit dated 20-02-2021. In this list, Mr. Dharmendra Singh is stated to be the Secretary of Ayodhya District Kho Kho Association, Dr. Sudha Tiwari is stated to be the Secretary of district Kho Kho Association, Varanasi and Miss Kanak Chakradhar is stated to be the Treasurer of District Kho Kho Association, Ballia. Further, Mr. Vinod Kumar Singh and Dr. Jay Prakash Sharma were stated to be the General Secretary and Treasurer of UPKKA between 2017 to 2021.

In the papers submitted by UPKKA along with its email dated 05.12.2022, it is stated that Mr. Vinod Kumar Singh and Ms. Kanak Chakradhar contested for and were elected for another term in elections of District Association, Ballia, as Secretary and Treasurer which are stated to be held on 27-10-2019. Mr. Vinod Kumar Singh and Ms. Kanak Chakradhar also contested for the recent elections of UPKKA and is presently its Executive Member and Treasurer.

In the papers submitted by UPKKA along with its email dated 05-12-2022, it is also stated that Mr. Dharmendra Singh also contested for and was elected for another term in elections of District Association, Ayodhya, which are stated to be held on 24-11-2019 as Secretary. He



also contested for the recent elections of UPKKA and is presently its Chairman.

In the papers submitted by UPKKA it is also stated that Mrs. Sudha Rani Tiwari also contested for and was elected for another term in elections of District Association, Ayodhya, as Secretary which are stated to be held on 03-11-2019. She also contested for the recent elections of UPKKA and is presently its President.

It is also stated by UPKKA that Dr. Jal Prakash Sharma also contested for and was elected for another term in elections of District Association, Prayagraj, which are stated to be held on 01-9-2019 as Secretary. He also contested for the recent elections of UPKKA and is presently its Vice President.

Therefore all the said persons who were government employees have held elective posts in sports associations for more than 2 terms/5years.

18. It is noted by this committee that as per instructions in office memorandums forming part of National Sports Code; a Government Servant of Union/State Governments cannot hold any elective post in any Sport Association/Federation for more than 4 years or one term, whichever is less. Letter dated 14-02-2017 issued by the Department of Sports Ministry of Youth Affairs and Sports states that [In terms of Rule 15(1) of CCS (Conduct) Rules, previous sanction of the Government or prescribed authority is required to hold an elective office, in any body, whether incorporated or not. Further instructions issued vide the Department of Personnel and Training's OM No. 11013/3/9/93 Estt (A) dated 22.04.1994 provide inter alia, that no Government servant should be allowed to hold elective office in any sport association/federation for a term of more than 4 years or one term, whichever is less. These instructions were made a part of the National Sports Development Code of India effective from 31.01.2011, Vide letter no. 14-82/2009-SP-IV dated 04.02.2010, the aforesaid provisions were made applicable to the employees of State/UT governments and all Chief Secretaries of State/UTs were informed.

The issue of holding elective post by employees of Public Sector Undertakings (PSUs/autonomous bodies of Union and State Governments has been considered in this ministry and it has been decided that the employees of PSUs/autonomous bodies of Union/State Governments will also be governed by the same principle as applicable to government servants.] Quoted Verbatim.

The restrictions on the holding of elective posts by Government Servants



of Union or State Government or PSUs under the control of Union or State Government are also reflected in other subsequent and past letters issued by the Department of Sports, Ministry of Youth Affairs and Sports.

In letter no. F. No. 11013/1/2016-Estt.A-III issued by the Government of India. Ministry of Youth Affairs and Sports, it is stated that [Instances have come to notice where Government Servants continue to hold elective offices in various capacities for unduly long periods. In some cases, where bye-laws of these bodies place restrictions on the number of consecutive terms a person may hold an office, Government servants are reported to have either got themselves re-elected after a gap or have got a family member/close relative elected as a surrogate in order to keep control of such bodies. In such cases, Government servants may not be bestowing adequate attention upon their official duties and, as a result, an apprehension may arise that such Government servants also develop vested Interests, particularly if the body is involved in commercial activities, directly or indirectly.

The policy of fixing an upper limit of the number of years for which Government servants can hold elective office in any body in their entire career has been reviewed and it has been decided that a government servant may be allowed to hold elective office in any body, whether incorporated or not, for period of two terms or for a period of 4 years. whichever is earlier, for which, prior sanction would be required when a Government servant contests an election in such body, as per existing rules. Quoted Verbatim.

By letter no. F. No. 8-33/2020-SP-III/2, the restriction was reworded to state that a Government servant may be allowed to hold elective office in any body, whether incorporated or not for a period of two terms or 5 years, whichever is earlier, for which prior sanction would be required when a Government servant contests an elections in such body, as per existing rules] Quoted Verbatim,

19. In this background, the committee has these observations to make. The NOC obtained by Mr. Dharmendra Singh, Mrs. Sudha Rani Tiwari and Dr. J.P Sharma is not issued by the Government or prescribed authority and has been issued by Principal/Chairman of the College which are not valid prior sanction as per the guidelines which are part of National Sports Code, reflected in Letter No. 14-82/2009-SP-IV dated 4-2-2010. The NOC obtained by Mr. Vinod Kumar Singh and Ms. Kanak Chakradhar are also not valid as they nowhere prescribe that the persons are being permitted to hold elective offices in any association and have been issued by Basic Education Officer of the District which may not be the prescribed authority. The NOCs only state that the



persons are allowed to work for the benefit of students and exercise responsibility in various sport associations. The NOC therefore is not given for holding an elective post, which is different from participation in programs of sport associations or being assigned some temporary responsibility in any association. Also, all these persons have been holding elective posts in sports organisations for successive and multiple terms which is against the directives of the National Sports Code, which cannot be permitted.

20. The committee is of the opinion that the allocation of Sh. Dharmendra Singh who is the current Chairman of UPKKA, Dr. Sudha Rani Tiwari, who is the current President of UPKKA, Dr. Jal Prakash Sharma, who is the current Vice President of UPKKA, Miss Kanak Chakradhar, who is the current Treasurer of UPKKA and Mr. Vinod Kumar Singh, who is the current Executive Member of the UPPKA, are holding elective offices in sports associations for more than 5 years/2 terms in violation of the National Sports Code and also in violation of the Memorandum of KKFI.

21. The committee will also like to note that in response to the facts stated against Mr. Shivanand Nayak by Mr. Chandrabhanu Singh in UPKKA's letter dated 05.12.2022, where Mr. Chandrabhanu has stated that all original documents of all District Associations and UPKKA itself were handed over to Mr. Shivanand Nayak during the AGM of UPKKA on 15.12.2019, Mr. Shivanand Nayak has denied receiving any document of UPPKA or District Association from anyone. Mr. Nayak has also provided copies of partial records of UPKKA which he states that he has obtained from the concerned Registrar of Societies, by making RTI Application. These documents, which were not a part of any record or communication exchanged between KKFI and UPKKA are astonishing. The said documents contain records of office bearers of the Executive Committee of UPKKA for various years and also contain audited balance sheets and account information of UPKKA. He also submitted a document dated 25.03.2023 issued by Director General, School Education, UP, which shows Mr. Chandrabhanu Singh, present Secretary of UPKKA to be a teacher and an employee of UP Government.

22. The committee has certain observations to make at this point. If the said records regarding Executive Committee and office bearers for various years are evaluated, it is noted that the persons stated to be office bearers of UPKKA from 2014 onwards, Mr. Sanjay Singh, Mr. Vinod Kumar Singh and Mr. J.P Sharma are nowhere to be seen as office bearers in the list submitted with the Registrar of Societies, Lucknow. For most of these years, Mr. Dharmendra Singh is stated as the



President and Mr. Hasmatullah is stated to be the Secretary of UPKKA which is contrary to the information given before the Honorable High Court of Delhi by Mr. Vinod Kumar Singh, prior Secretary and present member Executive of UPKKA. From the documents placed before court by KKFI, it also appears that Mr. Vinod Singh also contested for the post of Joint Secretary in the year 2017. Committee fails to understand as to how could Mr. Vinod Kumar Singh claim to have contested elections of KKFI in 2017, when he was not even a part of the Executive Committee of UPKKA in the formal records of UPKKA submitted before the Registrar of Societies. The committee also observes that the fact of Mr. Chandrabhanu Singh being a government employee was also not disclosed to KKFI which will also lead to his disqualification as being a government employee he also has held an elective post in a sport association for more than 2 terms/5 years. This is because he is shown to be Secretary of district kho kho association bahraich in the list of office bearers of UPIKKA and District Units as on 30.07.2017 submitted by Mr. Vinod Kumar Singh before the Honourable High Court. Then he is stated by UPKKA to have been re-elected as secretary of district kho kho association bahraich in the elections stated to be held on 10.11.2019. Thereafter he is shown as elected in the last elections of UPKKA held on 27.10.2021. His election, therefore, also appears to be in violation of the National Sports Code and KKFI Constitution, subject to confirmation of him being a government employee.

23. *Also, after going through the records of audited balance sheets of UPKKA for various years, as obtained from the Registrar of Societies, it is observed that these were duly submitted by UPKKA with the Registrar of Societies, though submission of the very same documents with KKFI was avoided by UPKKA. It is also learnt that the heads under which major expenses are shown to be incurred are more or less the same. Substantial expenditure, year over year is shown as being incurred on Water Conservation Programme, Environmental Awareness Programme, Pulse Polio Programme, Consumer Health Programme, Adult Education Programme, Health Camp and AIDS awareness programme. Only around 10% of the total expenditure is stated to be incurred on Kho Kho and related activities, which is the principle purpose of existence of UPKKA, as per its Memorandum. The heads under which expenditure is shown to be incurred year after year by UPKKA are nowhere in alignment with any of its 8 objectives written in its Memorandum.”*

52. In the above conspectus, this Court is unable to find any fault with the decision taken in the Special General Council Meeting of the respondent no.1 to the following effect:



“Agenda Item No. 2 and 3 were taken up together. The house was informed that as per the resolution passed by the house during the Special Executive Committee Meeting held on 30th October 2022, the Competent Authority, KKFI had constituted the Affiliation and Election Review Committee (AERC) comprising of Sh. Vinod Goel as Chairman and Sh. Seetharami Reddy, Sh. Upkar Singh Virk, Sh. Ravindar Talwar and Ms. Nasreen Sheikh as members to consider the application of the Uttar Pradesh Kho Kho Association (UPKKA) for re-affiliation with KKFI. This was done in compliance of order passed on 31.10.2022, by the Hon'ble Delhi High Court in Writ 15048/2022.

It is also pertinent to mention here that the UPKKA was granted provisional re-affiliation under the court orders vide Letter No. 5-5/KKFI/AERC/2020/2023, dt. 17.05.2023 in compliance of order passed by Hon'ble High Court in Writ 5375/2023 on 04.05.2023, which was later withdrawn as per the resolutions passed by the house during the Emergent Executive Committee Meeting held on 13.06.2023, as the order passed by Hon'ble High Court in Writ 5375/2023 on 04.05.2023, was stayed by the Hon'ble Division Bench in LPA 496/2023 on 02.06.2023. It was further resolved that one more opportunity should be granted to UPKKA to supply the requested information/documents within 7 Days from the receipt of the communication from KKFI for consideration of AERC, which was given.

Accordingly, the AERC so constituted has conducted a thorough review of the documents submitted by the UPKKA, KKFI and others and has very recently submitted a report for consideration of the General Council (Report of the AERC is placed below at Annexure 1 for ready reference).

Based on their review of documents and submissions made on behalf of UPKKA during the opportunity of personal hearing granted to UPKKA, the AERC has given a number of findings and recommended/suggested that KKFI should reject UPKKA's re-affiliation application as granting re-affiliation to UPKKA despite the identified irregularities would set a negative precedent for other State /UT Kho Kho Associations affiliated to KKFI. The committee has also advised KKFI to take appropriate action against UPKKA, possibly including action against misappropriation of government funds, after re-confirming the same.

Shri Lokeshwara, Vice-President KKFI & President, Karnataka State Kho Kho Association, proposed the filing of First Information Report (FIR)/Police Complaint against UPKKA due to their involvement in fund misappropriation and involvement in other illegal activities, to deter such activities in the future. The report was tabled before the members present physically in house and the contents were displayed for online



participants.

After examining the contents of the report of AERC and after taking into consideration the persistent non-compliance of UPKKA with the National Sports Code and the non-disclosure of information requested from time to time by KKFI from UPKKA, the house unanimously supported the recommendations of the Affiliation & Election Review Committee (AERC), and unanimously decided to reject the application of the Uttar Pradesh Kho Kho Association (UPKKA) for re-affiliation. Additionally, the house resolved not to entertain any such application from UPKKA in the future.”

53. Learned counsel for the petitioner has sought to strongly refute the conclusions drawn by the AERC. However, for the purpose of dislodging the aforesaid conclusions, *inter alia*, those set out in the Report of AERC, an elaborate evidentiary exercise would be required, for which these proceedings are not appropriate. It is open to the petitioner to take recourse to appropriate civil proceedings in this regard.

54. In the circumstances, this Court does not find any merit in the instant petition, the same is accordingly, dismissed, however, with the aforesaid liberty to the petitioner.

SACHIN DATTA, J

FEBRUARY 18, 2026/at/sv