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WP-31275-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

WRIT PETITION No. 31275 of 2025

*MADHUSUDAN PATIDAR*

*Versus*

*THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL  
SECRETARY SPORTS AND YOUGH WELFARE DEPARTMENT AND  
OTHERS*

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Appearance:

Shri Ankur Tiwari and Shri Vishwajeet Ahirwar- Advocate for the  
petitioner.

Shri Shrey Raj Saxena - Deputy Advocate General for the  
respondents 1 and 2/State.

Shri Anunay Shrivastava - Advocate for respondent No.3.  
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ORDER

(Reserved on 18.11.2025)

(Pronounced on 08.12.2025)

This petition under Article 226 of the Constitution of India has been preferred by the petitioner for quashing the decision of respondents 1 and 2 in selecting respondent No. 3 for the Vikram Award [Adventure Sports Category], 2023 and for directing them to give the said award to the petitioner.

2. As per the petitioner, he is a trained mountaineer and has summited Mount Everest. He started his expedition to Mount Everest in April, 2017 and successfully completed the same. He was awarded certificate by



mountaineering Association of Tibet Autonomous Region of the People's Republic of China on 21-05-2017 which is the official issuing authority.

3. To confer awards to sports persons of State of MP for their excellent achievement in sports field, the Madhya Pradesh Award Rules, 2021 were brought into force on 19-04-2021. As per Rule 3(a) summitting Mount Everest is an adventure sport. In terms of Rule 4(5) award in the Adventure Sports Category is to be recommended based on achievement and seniority. Rule 9(1)(i) states that every year online applications shall be received from respective sports player by 31st of July. As per Rule 9(2) (iii) award in the Adventure Sports Category is to be awarded based on priority i.e. who has mounted earlier. The State Government however neither issued any notification for Vikram Award [Adventure Sports Category] nor did the competent committee recommend the name of the petitioner for the year 2022. No public notice inviting applications for the award was issued by the Government disabling the petitioner from applying for the award. On 23-05-2023 respondent 1 in 2 issued a notification calling for online applications for award of Vikram Award *inter alia* for Adventure Sports Category stating that the award shall be given based on achievements earned in the last five years i.e. from 01-04-2018 to 31-03-2023. The petitioner also made an application for conferral of the award. However the application of the petitioner has been rejected despite the he having summited Mount Everest in May, 2017 and instead respondent No.3 has been selected. Thereafter, communications were made by the petitioner with respondents 1 and 2 in respect of rejection of his candidature but the same have not solicited any positive response hence this



petition has been preferred by him.

4. Learned counsel for the petitioner has submitted that the action of respondents 1 and 2 in selecting respondent No.3 over the petitioner for Vikram Award [Adventure Sports Category, 2023] is illegal, arbitrary and discriminatory. They have acted contrary to the object and provisions of the Rules. As per the criteria, seniority has to be given effect to and the petitioner was senior hence ought to have been selected. The criteria is priority i.e. who mounted Mount Everest earlier which has been ignored. Petitioner summited Mount Everest on 21.05.2017 whereas respondent No.3 summited the same on 22.05.2019. The Rules are bound to be given effect to as regards priority. The provisions are required to be substantially complied with even if they are directory. Inaction on part of respondents 1 and 2 in not issuing any notification in the year 2022 for inviting applications for the Vikram Award [Adventure Sports Category] for the period 01-04-2017 up to 31-03-2022 is contrary to Rules which cast an obligation upon them to invite online applications. After conferral of the award in 2021, the petitioner was the only athlete eligible for being conferred award in the year 2022. Respondents 1 and 2 who are administrative bodies have acted without any justifiable grounds in the matter. Reliance has been placed on the decisions of the Apex Court in *Ku. Shrilekha Vidyarthi and others vs. State of UP and others 1991 (1) SCC 212*, *Captain Sube Singh and others vs. Lt. Governor of Delhi and others (2004) 6 SCC 440*, *Mangalam Organics Ltd. vs. Union of India (2017) 7 SCC 221* and *Opto Circuit India Ltd. vs. Axis Bank and others (2021) 6 SCC 707*.



5. Reply has been filed by the respondents and learned counsel for the respondents have submitted that according to Rule 4.1 (4) of the Award Rules, 2021 there is a provision to award one Vikram Award in the Adventure Sports Category. The criteria is that the applicant must have achieved special achievement by participating in any one adventure activity on land, air or water (sea) during last five years. The petitioner had climbed Mount Everest in the year 2017 whose five-year time period ended on 31-05-2022. For sports award of the year 2021-2022 information was published in daily newspapers in Hindi and English from the Directorate level and to invite online applications all the district sports and youth welfare officers were given directions by the Directorate through letter dated 16-07-2022 and to do extensive publicity. For the sports award of the year 2022 and 2023 committee was constituted by order of the State Government. The committee constituted for sports award 2023 submitted its recommendation on 06-12-2023 and 08-12-2023 to the Director, Sports and Youth Welfare MP according to which five applicants had submitted applications in Adventure Sports including the petitioner. However his name was not considered by the committee as he had climbed Mount Everest in 2017 hence his time period for 2023 had expired in view of five-year limit. Accordingly the petitioner was not recommended for the award as per Rule 4.1 (5) of the Rules. The decision taken by the committee as well as respondents 1 and 2 for not recommending the name of the petitioner for the award is hence just and legal hence the petition deserves to be dismissed. Reliance has been placed on the decision of the *Delhi High Court in Punjabi University versus Union*



*of India and others (2011) SCC online Del 3496 and Swastika Ghosh versus Table Tennis Federation of India and others 2022 SCC online Del 1817.*

6. I have heard the learned counsel for the parties and have perused the record.

7. Rule 3(a) of the Rules, 2021 provides that adventure sports means activities based on water (sea), land and air such as mount Everest and the English Channel and other adventure activities. As per Rule 4 (5) award in the adventure sports category is to be recommended based on achievement and seniority. As per Rule 5, for adventure sports category, the requirement is that the applicant must have achieved special achievement in adventure activities in last five years by continuous participation with excellent performance in one of the adventure sports based on land, air and water (sea). As per Rule 9 (1)(i), every year online applications shall be received *inter alia* from the player by 31st July. As per Rule 9 (2) (iii) award in the adventure sports category is to be made based on priority i.e. who has mounted earlier.

8. Admittedly the petitioner has mounted Mount Everest in the year 2017. The period of five years as prescribed under Rule 5 (i) would, for the purpose of award for the year 2023, commence from 2018. The period when the petitioner mounted Mount Everest is six years i.e. more than the prescribed period of five years. The petitioner was hence admittedly, on the basis of his contention itself, not eligible for being considered for award under the adventure sports category for the year 2023. Though in the application submitted by the petitioner for conferral of award he had stated



that he has mounted Mount Everest in 2019 but from his pleadings itself it is evident that the same is a misinformation submitted by him since he had mounted Mount Everest in the year 2017. No document or proof has been furnished by the petitioner for the purpose of demonstrating that he had mounted Mount Everest in 2019 and that is not even his case. The petitioner was hence ineligible for being considered for award for the year 2023 under the adventure sports category hence his claim in that regard has rightly been rejected by respondents 1 & 2.

9. Though it has been submitted by learned counsel for the petitioner that no notification was issued by respondents 1 and 2 inviting applications for conferral of Vikram Awards for the year 2022 but respondents 1 and 2 have categorically stated that the applications were so invited. As per Rule 9 (1) of the Rules which is as regards the general rules for conferring the awards, every year online applications shall be received from the respective sports association/player/coaches/eminant sports person by 31st July. There is no provision therein that any notification has to be issued by the State Government inviting applications as has been contended by the learned for the petitioner. In absence of any such provision, the action of respondents 1 and 2 cannot be faulted on the ground that no notification was published by them inviting applications. The provision is of receiving online applications which can be from the players directly. No particular procedure has been provided as to in what manner the applications are to be invited which would mean that any procedure adopted giving sufficient public information that applications are invited for conferral of the award would be sufficient.



10. The petitioner has himself filed the communication dated 23-05-2023 [Annexure P/8] of the Joint Director, Sports and Youth Welfare Department addressed to all the Divisional Officers as regards inviting applications for conferral of Vikram Awards. Pursuant thereto the petitioner also submitted his application. He has also filed the proforma of the press release in that regard. Thus when the process was initiated in the year 2023, the petitioner came to know of the same and made his application for conferral of the award meaning thereby that the procedure adopted by respondents 1 and 2 for inviting applications for awards was justifiable since the petitioner on the basis of the same was able to participate in the process. From the documents filed by respondents 1 and 2, it is evident that similar notices were issued in the year 2021 and 2022 inviting applications for conferral of the awards. The press release was also published in various newspapers. The procedure which was adopted in the year 2023 of which the petitioner availed benefit of was the very same procedure which was adopted by respondents 1 and 2 in the year 2021 and 2022. Thus it is not open for the petitioner to contend that the procedure adopted in the year 2022 was not correct having himself been the beneficiary of the same procedure adopted in the year 2023.

12. From the documents filed by respondents 1 and 2 it is seen that for inviting applications for the year 2022 at the directorate level publication was made in daily Hindi and English newspapers and all district level sports welfare officers were directed to undertake sufficient campaign within their area for inviting applications for the award. The extracts of the newspaper



publications have been filed. Thus, it is evident that there was sufficient compliance by respondents 1 and 2 of the provision of Rule 9 (1) of the Rules and it is not open for the petitioner to contend that adequate publicity was not made in the process of conferral of the award for the year 2022. In such circumstances, the judgments relied upon by the learned counsel for the petitioner are of no avail to him since they are on the general principles and are distinguishable on facts.

13. Thus, in view of the aforesaid discussion, I do not find any error having been committed by respondents 1 and 2 in conferring the Vikram Award in the category of adventure sports in favour of respondent No.3. The petition is consequently found to be devoid of any merits and is hereby dismissed.

**(PRANAY VERMA)**  
**JUDGE**

jjyoti