

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) NO.11906 OF 2022**

***Lasyamayee Mohanta***

....

***Petitioner***

Mr.P.K.Rath, Adv.

*-versus-*

***Union of India & ors.***

....

***Opposite Party(s)***

Mr.P.K.Parhi, ASGI

Mr.P.P.Behera, CGC

**CORAM:**

**JUSTICE BISWANATH RATH**

**ORDER**

**19.5.2022**

**W.P.(C) NO.11906 OF 2022 & I.A.6202 OF 2022**

**Order**

**No.**

3.

1. Heard Mr.P.K.Rath, learned counsel for the Petitioner and Mr.P.K.Parhi, learned Assistant Solicitor General of India assisted by Mr.P.P.Behera, learned Central Government Counsel appearing for the Union of India.

2. The Writ Petition involves the following prayer :-

“In the premises aforesaid it is prayed that this Hon’ble Court may graciously be pleased to issue Rule Nisi to the Opp. Parties to show cause and after showing their no cause, insufficient cause make the said rule absolute directing the Opp.Party Nos.1 and 2 to make appropriate finance to the Under 18 Woman Volleyball Team to participate in the 14<sup>th</sup> Asia Women’s Under 18 Volley Ball Championship organized by Thailand Volley Ball Association at Nakhon Pathom (Thailand).

And pass such other order/orders that may be deemed fit and proper in the facts and circumstances of the case..”

3. There is serious allegation that even though there is no dispute with regard to players involving Volleyball Federation of India but there have been some disputes involving management of

the Volleyball Federation of India pending at some other level, through the pleading, it has been brought to the notice of this Court that the Volleyball Federation of India, O.P.3 in assignment of selecting players particularly in the assignment of eligible players for their participation representing India in the 14<sup>th</sup> Asian Women's U-18 Volleyball Championship to be held in Nakhon Pathom, Thailand in between 6.6.2022 to 13.6.2022 after long exercise has come to finalise the list of eligible Staff numbering 20 nos. of players and 4 nos. of Officials prepared, vide Annexure-4, there is no appropriate action for sending the contingency for their participation in an all Asia level competition. In the Writ Petition it is alleged that in spite of recommendation being made by O.P.3 sending the Indian Under -18 Women Volleyball Team, there is no decision taken ultimately there is serious prejudice to the players as well as to the participation of the Indian contingent involving Women volleyball Team in the 14<sup>th</sup> Asian Women's U-18 Volleyball Championship and our Country in the process may be deprived of its participation.

4. This Court directs issuing notice to the O.Ps. Let two copies of the Brief be served on Mr.P.K.Parhi, learned Assistant Solicitor General of India appearing for O.Ps.1 & 2. Notice be issued to

O.Ps.3 & 4 by Speed Post with A.D./Registered Post with A.D. Requisites be filed by 20.5.2022. Accept one set of process fee.

5. Mr.P.K.Rath, learned counsel for the Petitioner pressing hard on the Interlocutory Application submitted that the players of this nature cannot be allowed to suffer for their no latches and further even assuming there have been some disputes involving some other issues involving Volleyball Federation of India, that should not come in the way of neither selection or representing India in such important competition. Mr.Rath, learned counsel claimed, unless an interim protection is granted allowing participation of the contingency so decided India will go unrepresented in the 14<sup>th</sup> Asian Women's U-18 Volleyball Championship.

6. This matter was taken up initially on 13.5.2022. Considering the urgency involved, the matter was adjourned to 17.5.2022 in presence of Mr.P.K.Parhi, learned Assistant Solicitor General of India and Mr.P.P.Behera, learned Central Government Counsel on service of copies on them, both were directed to take instruction on the Interlocutory Application aspect by the next date. The case was next posted to 17.5.2022 again considering the urgency involved but however keeping in view the request of the learned counsel for the Union of India, this Court was pleased to adjourn the matter to today

particularly to have another opportunity of contest to O.Ps.1 & 2 involved herein.

7. In course of hearing, Mr.P.K.Parhi, learned Assistant Solicitor General of India for the Union of India submitted that in spite of his best effort neither O.P.1. nor O.P.2 is responding in this situation.

8. Considering time for training as well as participation of the contingents already selected, vide Annexure-4 is running out, this Court while directing for issuing notice to the O.Ps. takes the matter for interim direction.

9. Considering the submission of the learned counsel for the Petitioner and going through the pleadings taken therein, further on perusal of the documents appended to the Writ Petition, this Court finds, there is no legal obstruction in sending the Indian contingency in the Indian Under-18 Women Volleyball Team side for participating in the 14<sup>th</sup> Asian Women's U-18 Volleyball Championship, though there have been some disputes pending with regard to the issues not related herein. It is at this stage, this Court also considers the prestige of the Country involved herein. A Country having 175 crores of people even and at its position, if it fails in sending the contingency already selected to participate in the prestigious event like the 14<sup>th</sup> Asian Women's U-18 Volleyball

Championship, will not send a good signal. This Court finds, the Union of India is even not coming to assist the Court for involving a contest at their level. This Court records the bizarre affair in the cooperation of O.Ps.1 & 2 in such serious matter in spite of two adjournments already granted.

10. Keeping in view the above and as this Court finds, there is no objection coming from O.Ps.1 & 2 as of now, further as this Court further finds, there is already a select list of the Under-18 Volleyball women contingents to represent India through the Volleyball Federation of India, vide Annexure-4, this Court is constraint to direct O.Ps.1 & 2 to make all necessary arrangements for moving of the contingency. Looking to the Schedule prepared by the President, Thailand Volleyball Association at Nakhon Pathom, the Organisation of the Event and communicated to the President, Volleyball Federation of India appearing at Annexure-5, this Court directs O.Ps.1 & 2 to make all arrangements for preparation and moving of the contingency prepared under Annexure-4 following the communication on the Schedule and the time frame in different aspect and also make necessary financial arrangements for their movement to participate in the 14<sup>th</sup> Asian Women's U-18 Volleyball Championship including VISA facility, if any, by completing the entire exercise within three days from the date of communication of

this order. In the meantime, O.P.3 is directed to keep the contingency selected list, vide Annexure-4 ready to proceed for their participation in the event.

11. Place this matter on 24.6.2022.

12. Issue urgent certified copy.

13. A free copy of this order be supplied to Mr.P.K.Parhi, learned Assistant Solicitor General of India for working out the direction of this Court.

M.K.Rout

