

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 24TH DAY OF MAY 2022 / 3RD JYAISHTA, 1944

WP(C) NO. 26800 OF 2021

PETITIONER

RENJITH MAHESHWARY, AGED 36 YEARS
S/O.P.P.RADHAKRISHNAN, PADINJAREKKATTU HOUSE,
CHANNANIKKADU.P.O,
KOTTAYAM-686533.

BY ADVS.
R.ASALATHA VARMA
ARJUN VARMA

RESPONDENTS

- 1 UNION OF INDIA
REPRESENTED BY SECRETARY TO GOVERNMENT OF INDIA,
MINISTRY OF SPORTS AND YOUTH AFFAIRS, ROOM NO.3,
SASTRI BHAVAN, NEW DELHI, PIN-110001.
- 2 SECRETARY, ATHLETIC FEDERATION OF INDIA(AFI), A-
90, NARIANA INDUSTRIAL AREA, PHASE-1,
NEAR PVR CINEMA, NEW DELHI-110028.
- 3 DIRECTOR GENERAL,
NATIONAL ANTI DOPING AGENCY, HALL NO.103-104,
FIRST FLOOR,
JAWAHARLAL NEHRU STADIUM, NEW DELHI, PIN-110003.
- 4 DIRECTOR GENERAL,
SPORTS AUTHORITY OF INDIA, JAWAHARLAL NEHRU
STADIUM(EAST GATE), LODHI ROAD, NEW DELHI, PIN-
110003.
- 5 DIRECTOR, NATIONAL DOPE TESTING LABORATORY,
MINISTRY OF YOUTH AFFAIRS AND SPORTS, J.N.STADIUM
COMPLEX, EAST GATE, NO.10, NEAR MTNL BUILDING,
NEW DELHI-110003.

BY ADV MANU S., ASG OF INDIA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 24.05.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

W.P.(C).26800 of 2021

Dated : 24th May, 2022

JUDGMENT

1. Petitioner is an Olympian who represented India in three Olympics and had won bronze for India in Common Wealth games. The Indian record for Tripple Jump of 17.35 meters is in his name which was achieved by him by overcoming the 36 year long previous record. Petitioner took part in National Olympics representing Kerala state as well as Railways. He retired from active national and international competitions in 2018 due to an injury suffered during trial run of the 2020 Olympics. Petitioner was informed by the first respondent through Ext.P1 that the Arjuna award for athletics of the year 2013 would be conferred to him on 31.8.2013 at Rashtrapathy Bhavan by the Hon'ble President of India. But on 31.8.2013 just before the award ceremony petitioner was informed orally by the first respondent to withdrew from the award giving ceremony. Thereafter on 19.9.2013 first respondent issued Ext.P4 press release in which it is mentioned that the award was kept in abeyance pending

investigation about the alleged suspension and ban in a doping charge of 2008 with respect to 46th National Open Championship held at Kochi. Petitioner disputes the same. According to the petitioner, he has not participated in that Championship and it was actually held at Delhi.

2. It is the case of the petitioner that the petitioner never had been informed about the charge of doping during 2008-2009 or about the punishments. It is the definite case of the petitioner that he had not been visited with any kind of disciplinary action in his athletic carrier. During the alleged period of suspension as well as ban, petitioner was undergoing training with the fourth respondent and first respondent met the expenses. Thereafter from April 2009, petitioner had joined in the National camp under the aegis of the second respondent to participate in Olympics and Commonwealth games. Through Ext.P4, petitioner came to know that the award was cancelled due to the above allegations. According to the petitioner during 2008 fifth respondent who conducted the analysis of the sample was not having the accreditation of World anti doping agency. According to the petitioner, there was no standard operating procedure during that time. According to the petitioner fifth respondent got accreditation in 2009 and list of sports

persons found to have used prohibited drugs were published. Petitioner's name was not there in the list. The persons whose names were there in the published list of dope tainted sports persons, were bestowed with Arjuna award in 2005 and 2021. Petitioner requested for records pertaining the dope allegations through Right to Information Act, but there was no response. The grievance of the petitioner is that, because of Ext.P4 press release, there is humiliation to the petitioner and his family. Petitioner challenged Ext.P4 press release.

3. Heard the learned counsel for the petitioner and the learned ASGI.
4. Learned counsel for the petitioner reiterated his contentions. Counsel submitted that he played for the country and obtained laurels for the country. According to him, statements in Ext.P4 are incorrect and it is humiliating to him. No proper enquiry is conducted before issuing Ext.P4.
5. Learned ASGI on the other hand submitted that Ext.P4 press release is issued based on the available documents in 2013. If the petitioner submits any representation, the same will be considered by the first respondent, in accordance with law.
6. This Court considered the contentions of the petitioner and the learned ASGI. After going through Ext.P4 and also considering the contentions raised by the petitioner, I think

the matter should be reconsidered by the first respondent. If the averments in the writ petition are correct, it is really an insult and humiliation to an athlete. If the petitioner is eligible for Arjuna award, the same should not be denied without valid reasons. The country can honour an athlete only in that manner. Lapse of time is not a criteria to deny an honour, if the petitioner really deserves it. For that purpose, petitioner can be allowed to submit a representation narrating his grievance in detail to the first respondent. If such a representation is received, first respondent will consider the same and take appropriate action in accordance with law, within a time frame.

7. Accordingly, writ petition is disposed of with the following directions.

(i). Petitioner is free to file a representation to the first respondent, narrating his grievance with supporting documents within four weeks from the date of receipt of a copy of this judgment.

(ii). Once such a representation is received by the first respondent, first respondent shall consider the same and take appropriate action in accordance with law. Decision taken on the representation will be intimated to the petitioner by the first respondent

within two months from the date of receipt of a copy of this judgment.

Sd/-

P.V.KUNHIKRISHNAN, Judge

Mrcs.

APPENDIX OF WP(C) 26800/2021

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE PRESS RELEASE SHOWING THE NAMES OF THE SPORTS PERSONS AND ATHLETES WHO ARE TO BE CONFERRED THE ARJUNA AWARD IN 2013 DATED 22ND AUGUST 2013 DATED 22ND AUGUST 2013 (RELEVANT PAGES)
- Exhibit P2 TRUE COPY OF SCHEME FOR THE ARJUNA AWARD IN 2013.
- Exhibit P3 TRUE COPY OF E-MAIL COMMUNICATION RECEIVED FROM THE 1ST RESPONDENT INTIMATING THAT THE PRESTIGIOUS ARJUNA AWARD WOULD BE CONFERRED TO THE PETITIONER DATED 23.08.2013
- Exhibit P4 TRUE COPY OF PRESS RELEASE DATED 19.09.2013 OF THE 1ST RESPONDENT AVAILABLE IN THE OFFICIAL WEB SITE OF THE PRESS INFORMATION BUREAU.
- Exhibit P5 TRUE COPY OF POSTAL RECEIPT DATED 18.10.2013 BEARING NO.370379473.
- Exhibit P6 TRUE COPY OF REPRESENTATION SENT BY PETITIONER TO THE HONOURABLE PRIME MINISTER OF INDIA DATED 30.09.2013.
- Exhibit P7 TRUE COPY OF REPRESENTATION SENT BY PETITIONER TO THE HONOURABLE PRESIDENT OF INDIA DATED 30.09.2013.
- Exhibit P6(b) TRUE COPY OF THE REPRESENTATION SENT BY PETITIONER TO COL.RJYAVARDHN SINGH RHODE, HONOURABLE MINISTER OF STATES (INDEPENDENT CHARGES) OF MINISTRY OF YOUTH AFFAIRS AND SPORTS DATED 10.4.2018
- Exhibit P7 TRUE COPY OF RECORD SHOWING THAT THE PETITIONER HAD RECEIVED GOLD IN THE 48 TH NATIONAL CHAMPION SHIP HELD AT KOCHI
- Exhibit P8 ~~Q~~ TRUE COPY OF RECORD SHOWING THAT THE PETITIONER HAD RECEIVED GOLD IN THE 48 TH

	NATIONAL CHAMPION SHIP HELD AT KOCHI
Exhibit P9	TRUE COPY OF THE RELEVANT PORTION OF THE SERVICE BOOK OF THE PETITIONER EVIDENCING THAT THE PETITIONER HAD NEVER BEEN INFORMED ABOUT ANY PERIOD OF SUSPENSION OR BAN DURING HIS ATHLETIC CAREER.
Exhibit P10	TRUE COPY OF THE LIST OF SPORTS PERSONS WHO WERE TESTED POSITIVE FOR PROHIBITED DRUGS FROM 2009 TO 2013 DATED 31.10.2013 OBTAINED UNDER RIGHT TO INFORMATION ACT.
Exhibit P11	LIST OF ARJUNA AWARDEES OF THE YEAR 2005 PUBLISHED IN THE OFFICIAL WEB SITE OF 1ST RESPONDENT
Exhibit P11(a)	TRUE COPY OF LIST OF ARJUNA AWARDEES OF 2021 PUBLISHED BY THE 1ST RESPONDENT IN THEIR DOMAIN.
Exhibit P12	TRUE COPY OF THE PRINT OUT TAKEN FROM THE OFFICIAL WEB SITE OF THE 5TH RESPONDENT REGARDING THE ACCREDITATION OF 5TH RESPONDENT WITH WORLD ANTI DOPPING AGENCY.