

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO**

WRIT APPEAL NO: 1262 OF 2024

Writ Appeal under clause 15 of the Letters Patent Preferred against the Order Dated 10/07/2024 Passed in W P No 2714 of 2024 on the file of the High Court.

Between:

Neredimelli Deepshika, D/o. Neredimelli Pradeep Aged about 16 years (Minor) Occ. Student BAI ID 22756, Rep by her father and natural Guardian Neredimelli Pradeep S/o N. Balraj Aged about 43 years Occu Private Employee R/o Flat No 401 Siva Parvathi Arcade Jai Bharath Nagar Nizampet Kukatpally, Hyderabad, Telangana State- 500090.

...APPELLANT

AND

1. The State of Telangana, Sports and Youth Services Department Secretariat Buildings Hyderabad Rep by its Principal Secretary
2. Badminton Association of Telangana (BAT), Pullela Gopichand Badminton Academy Survey No 91 Gachibowli Hyderabad 500032 Telangana State Rep by its Hony. General Secretary.
3. Badminton Association of India (BAI), (Affiliated to the Badminton World Federation and Badminton Asia Confederation) BAI Office D6/10 Ground Floor Vasant Vihar New Delhi 110057 India Rep by its Hony. General Secretary
4. Manchala Keerthy, D/o Manchala Venkanna Aged about 15 years Minor Occu Student BAI ID 28148 Rep by her father and natural Guardian Manchala Venkanna S/o not known to Petitioner C/o Pullela Gopichand Badminton Academy Survey No 91 Gachibowli Hyderabad 500032 Telangana State (Respondent No.4 is not necessary action)

...RESPONDENTS

IA NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the order dated 27.01.2024 issued by the 2nd respondent, pending final adjudication of the Writ Appeal.

**Counsel for the Appellant: SRI N.V.SUMANTH, REP. FOR
M/s. INDUS LAW FIRM**

**Counsel for the Respondent No.1: SRI G.PRAVEEN KUMAR,
AGP FOR SPORTS, TOURISM & YOUTH ADVANCEMENT DEPT.**

**Counsel for the Respondent No.2: M/s. JYOTHISRI VANKINA, REP. FOR
M/s. VANKINA ALLU & PARTNERS**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.1262 of 2024

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. N.V.Sumanth, learned counsel representing M/s. Indus Law Firm, for the appellant.

Mr. G.Praveen Kumar, learned Assistant Government Pleader for Sports, Tourism and Youth Advancement Department, for the respondent No.1.

Ms. Jyothisri Vankina, learned counsel representing Vankina Allu and Partners, for the respondent No.2.

2. With the consent of the learned counsel for the parties, the appeal is heard finally.

3. In this intra court appeal, the appellant has assailed the validity of the order dated 10.07.2024 by which the writ petition preferred by the appellant, namely W.P.No.2714 of 2024, has been dismissed.

4. Facts giving rise to filing of this appeal briefly stated are that the appellant claims herself to be a professional badminton player. It is the case of the appellant that she has participated in several tournaments organised by the Badminton Association of India. The Badminton Association of India had issued a publication dated 22.04.2023 to the Badminton Association of Telangana seeking explanation in respect of two birth certificates produced by the appellant wherein in one certificate the date of birth of the appellant is shown as 09.06.2007, whereas in another birth certificate the date of birth of the appellant is shown to be 09.01.2008. A copy of the aforesaid communication was forwarded through e-mail to the appellant. The appellant submitted a reply through her mother on 26.04.2023 in which it was stated that the marks sheet which discloses the date of birth of the appellant as 09.06.2007 does not belong to the appellant and the same is a document fabricated by unknown persons. The appellant was not permitted to participate in a tournament on 11.09.2023. Thereupon, the appellant filed a writ petition, namely W.P.No.25622 of 2023, wherein

an *ad interim* order was passed on 13.09.2023 granting an opportunity to the appellant to participate in the tournament. Thereafter, the learned Single Judge, by an order dated 01.11.2023, disposed of the said writ petition with a direction to the appellant to submit explanation to the show cause notice dated 16.10.2023 and on receipt of such explanation, the Badminton Association of Telangana was directed to conduct an enquiry after affording an opportunity of hearing to the appellant.

5. However, in defiance of the directions contained in the order passed by the learned Single Judge, by an order dated 27.01.2024, the appellant was disqualified for a period of two years from participating in any tournament. The appellant challenged the validity of the aforesaid order in a writ petition, namely W.P.No.2714 of 2024. The learned Single Judge, by an order dated 10.07.2024, *inter alia*, held that the meeting of the Age Verification Committee of the Badminton Association dated 21.03.2024 shows that the mother of the appellant attended the meeting in person and she was confronted with the two

certificates of birth produced by the appellant. Thus, it was held that post-decisional hearing has been given to the appellant. Hence, this appeal.

6. Learned counsel for the appellant submits that in pursuance of the order dated 01.11.2023 passed in W.P.No.25622 of 2023, no enquiry was held to determine the age of the appellant and straightaway an order disqualifying the appellant was passed on 27.01.2024.

7. On the other hand, learned counsel for the respondent No.2 has submitted that a post-decisional hearing was afforded to the appellant.

8. We have considered the submissions made by the learned counsel for the parties and have perused the record.

9. The operative portion of the order dated 01.11.2023 passed in W.P.No.25622 of 2023 is extracted below for the facility of reference:

“6. In view of the same, since respondent No.2 has already issued notice for conducting enquiry to

determine the age of the petitioner, this Court without expressing any opinion on merits of the matter, directs the petitioner to submit explanation to the show cause notice dated 16.10.2023 as per the time stipulated therein and on receipt of such explanation, respondent No.2 shall conduct enquiry, after affording her an opportunity of personal hearing duly intimating the date of hearing in advance to the petitioner and pass appropriate orders in accordance with law.

The writ petition is disposed of accordingly.”

10. Admittedly, in pursuance of the aforesaid direction, no enquiry was held and an order was passed on 27.01.2024 disqualifying the appellant from participating in any tournament for a period of two years. The aforesaid order is in contravention of the directions contained in the order dated 01.11.2023 issued by this Court in W.P.No.25622 of 2023. Therefore, the same cannot be sustained in the eye of law. However, the learned Single Judge has failed to appreciate the aforesaid aspect of the matter.

11. Therefore, the order dated 10.07.2024 passed by the learned Single Judge in W.P.No.2714 of 2024 as well as the order dated 27.01.2024 are hereby quashed.

12. The appellant has submitted an explanation on 11.11.2023 to the show cause notice dated 16.10.2023. The Badminton Association of India shall consider the aforesaid explanation submitted by the appellant and after giving an opportunity of personal hearing to the mother of the appellant, shall pass an order within a period of three weeks from today. It is made clear that this Court has not expressed any opinion on the merits of the matter.

13. Accordingly, the writ appeal is disposed of.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

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SD/-I. NAGALAKSHMI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Sports and Youth Services Department, Secretariat Buildings Hyderabad State of Telangana.
2. The Hony. General Secretary, Badminton Association of Telangana (BAT), Pullela Gopichand Badminton Academy Survey No 91 Gachibowli Hyderabad 500032 Telangana State.
3. The Hony. General Secretary, Badminton Association of India (BAI), (Affiliated to the Badminton World Federation and Badminton Asia Confederation) BAI Office D6/10 Ground Floor Vasant Vihar New Delhi 110057 India.
4. One CC to M/s. INDUS LAW FIRM, Advocate [OPUC]
5. One CC to M/s. VANKINA ALLU & PARTNERS, Advocate [OPUC]
6. Two CCs to GP FOR SPORTS, TOURISM & YOUTH ADVANCEMENT DEPT., High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD Copies

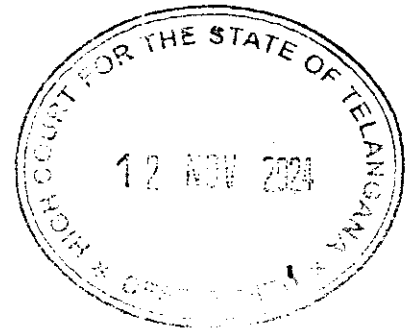
BSR
GJP

HIGH COURT

DATED: 08/11/2024

JUDGMENT

WA.No.1262 of 2024



**DISPOSING OF THE WRIT APPEAL,
WITHOUT COSTS**

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