

OFFICE OF THE RETURNING OFFICER

W.F.I. ELECTIONS 2023.

**(In the matter of formation of Electoral College-
Maharashtra State)**

Maharashtra Rajya Kustigir Sangh (Ramdas Tadas, party One) and Maharashtra State Wrestling Association (Sharad Chandra Govind Rao Pawar, party Two)

**Coram: Justice Shri M.M. Kumar,
Former Chief Justice, J&K
High Court and Returning
Officer, WFI Elections 2023**

**Present: Representatives of party One,
Party Two and Wrestling
Federation of India**

Date: 21/07/2023

ORDER

The Election process for conducting the election of the Executive Committee of Wrestling Federation of India was issued on 13.06.2023 notifying various stages and their dates. It was also notified that recognized and eligible Wrestling Federations of the State/UT were to nominate two of their Executive Member as representatives by 19.06.2023 (later extended to 25.06.2023). This was in keeping with Article XIII (b) & (d) of the Constitution of the Wrestling Federation of India which provided that each of the eligible

Wrestling Federations were required to nominate two Executive Members of their unit to represent that State/UT in the elections. The members so nominated by the State/UT units were to constitute Electoral College and to enable them to vote to elect a new Executive Committee of the Wrestling Federation of India.

On the last date of the receipt of such nominations Hon'ble Gauhati High Court issued interim directions by its order dated 25.06.2023 (Sunday) not to proceed with the election of the Executive Committee of Wrestling Federation of India. It is appropriate to mention that as per the election notifications dated 13.06.2023/21.06.2023, the nominations received for Electoral College were to be finally prepared and displayed by the Returning Officer on 27.06.2023 by 1:00 P.M. On account of interim directions issued by the Gauhati High Court, the election process came to standstill. However, the aforesaid interim direction of Gauhati High Court has now been challenged before the Hon'ble Supreme Court in the case titled Andhra Pradesh Amateur Wrestling Association vs Assam Wrestling Association in an SLP, diary no. 25626/2023. A communication to that effect has been received on my office mail from Sh. Hemant Raj Phalpher, Advocate late in the evening on 18.07.2023 disclosing that the Hon'ble Supreme Court has stayed the interim direction issued by the Gauhati High Court on 25.06.2023 & a copy of



order dated 18.07.2023 has also been sent. Accordingly, we proceed from the stage where we were on 25.06.2023. The rescheduled process from that day onwards is being issued separately.

There are some state units where rival factions have claimed right to nominate members to constitute Electoral College. State of Maharashtra is one of those states. Accordingly, it was decided to hear their point of view on 21.06.2023. The rival factions from the State of Maharashtra being the State units were heard on that day. The order was reserved because Indian Olympic Association [IOA] and WFI sought and were granted five days time to resolve the issues themselves between rival factions citing the reason to avoid embarrassment at international level. Then on 25/06/2023 the Gauhati High Court stayed the election process by an interim order but the same was vacated by the Hon'ble Supreme Court of India (supra). Therefore the order is pronounced today. A copy of the Order is being sent to the respective parties on their respective email addresses and the same can be seen on the website: –
<https://olympic.ind.in/>,
<http://wrestlingfederationofindia.org/>

Two sets of nominations dated 14.6.2023 and 15.6.2023 were received from the State of Maharashtra, viz. Party

No1. Shri Ramdas Tadas and Shri Yogesh Dodke nominated themselves being President and General Secretary respectively, from the 'Maharashtra Rajya Kustigir Sangh'. The other two names from Party No.2 were Shri Dayanand Ramchandra Bhakt and Shri Vaman Maruti Gagte, nominated by Shri Sharad Chandra Govind Rao Pawar and Shri Balasaheb Shankerrao Landge as President and General Secretary respectively from 'Maharashtra State Wrestling Association'.

In terms of Article (IV) of the constitution of WFI only two executive members can be nominated as representatives and thus become entitled to vote at the election. Therefore notice dated 15th June, 2023 was issued for hearing on 21/06/2023 to both the factions to file their clarifications/evidence to substantiate their respective claims before the undersigned.

From the records furnished by the WFI representatives, it was found that Party No.2, Shri Sharad Govind Rao Pawar and Shri B. S. Landge were respectively the elected President and General Secretary of the Maharashtra State Wrestling Federation. The then unit of the State was dissolved by the WFI on the 30.06.2022 but the dissolution was challenged through its General Secretary before the Bombay High Court by way of Writ Petition No. 12237/2022. The Hon'ble High

Court of Bombay vide its order dated 09.11.2022 held that the elected body of the Petitioner's Association was entitled to hold the office till its tenure comes to an end and it shall carry out its day to day functions in accordance with its constitution. The court however, gave liberty to the WFI to take recourse to Sec. 41-D of the Maharashtra Public Trust Act. Under the Act only the Charity Commissioner, Mumbai has the powers to propose actions such as suspension, dismissal, removal etc. . Subsequently, on 26.11.2022, at an emergency meeting of the Executive Committee of the state unit, Shri Ramdas Tadas was nominated as President and Shri Dayanand Bhakta was nominated as General Secretary. It is also clear that aforesaid positions were filled through nominations and not by election. The result by this time was that dissolution of the State unit by the WFI was reversed by the order of the High Court while the State unit subsequent to the order of the High Court nominated new President and the General Secretary i.e Shri Ramdas Tadas and Shri Dayanand Bhakta. Surprisingly, Shri Landge, who was the General Secretary and the petitioner in the High Court of Bombay did not approach the WFI or file any case etc. against the state unit or the WFI when he was stripped off the post of General Secretary but on the contrary, on 05.05.2023, Shri B. S. Landge informed the Ad-hoc Committee of the WFI that the situation remained

unchanged as was pointed by the High Court of Bombay in its order referred to above and accordingly he claimed that he continued to be the General Secretary and Shri Pawar was the President of the state unit. On the contrary as per records provided by the WFI and the report of the Disciplinary Committee of the WFI, dated 03.04.2023, the new Executive Committee of the State Association (Party No.1) is shown as Shri Ramdas Tadas as President, Shri Yogesh Dodke as General Secretary and the names of 5 other office bearers are also given. Those names are in public domain having been uploaded on the website of the WFI.

The faction led by Shri Sharad Pawar, was represented by Ld. Advocate Tushar Pawar, Sh. Lalit B. Landge (S/o Sh. B.S. Landge) and Dr. D.R Bhakt. It was submitted that Shri Landge was eligible for contesting for the post of General Secretary in the year 2019 but no documentary evidence to this effect was produced. It was admitted that the President and the General Secretary both are above 80 years of age as on date. It was also mentioned that as per order of the High Court of the Bombay, both the said office bearers continue to hold the positions and belatedly they have come to know about their dis-affiliation by the WFI but admittedly have not taken any recourse to law. They also claimed to have affiliation from the Maharashtra Olympic Association.

The Party No.1 led by Sh. Ramdas Tadas was represented by Ld. Advocate Shri. Ajinkya Udane. Shri Yogesh Dodke was also present. It was submitted by the Ld. Counsel that Maharashtra Rajya Kushtigir Sangh is affiliated to the WFI since 16.04.2023 and they have applied to the State Olympic Association for affiliation but the same is intentionally delayed since the State Olympic Association is headed by Shri Ajit Pawar who is close relative of Shri Sharad Chandra Govind Rao Pawar who is heading the rival factions of the State Federation. It has been alleged that rival faction (Party No.2) is occupying and holding the posts for the last 10 terms, doing nothing and are over aged.

I have thoughtfully considered the oral and written submissions made by both the factions. Mr. Bhupender Singh Bajwa, Member Ad-hoc Committee and other WFI representatives have provided information available with the WFI.

On facts, it has remained undisputed that Party No.1 namely Maharashtra Rajya Kustigir Sangh has not been able to obtain any recognition from the State Olympic Association for any reason whatsoever. Likewise Party No.2 Maharashtra State Wrestling Association has no affiliation and recognition from Wrestling Federation of India. Article XXIV (f) of the Constitution of WFI mandates that WFI shall not affiliate a

Sports Unit of any State that has not been affiliated / recognized by the State Olympic Association which in turn is affiliated to the Indian Olympic Association. The aforesaid provision is set out below verbatim:

“The WFI shall not affiliate a Sports Unit of any State that has not affiliated recognized by the State Olympic Association which is affiliated to the Indian Olympic Association.”

The aforesaid provision provides for a mandatory requirement of affiliation / recognition by the State Olympic Association and then by the WFI. The factual position as depicted during the hearing and from record does not leave any manner of doubt that both the rival groups either lack affiliation with the State Olympic Association or the Wrestling Federation of India. Accordingly, both would not qualify to nominate any member of their Executive for constitution of Electoral College. I also find that there is a serious deadlock between the rival groups. The Maharashtra State Wrestling Association approached Bombay High Court. After the directions of the High Court, orders have been passed by the Wrestling Federation of India and a new Executive Committee was brought putting in saddle Party No.1. As on date Party No.2 did not challenge that action before any court of competent jurisdiction. Obviously, they could have approached Bombay High Court but they allowed

the deadlock to linger on. As a Returning Officer, I feel restricted to adjudicate whether the action taken by WFI suffers from any legal infirmity. The jurisdiction for such exercise of power lies elsewhere and Party No.2 could have easily sprung into action. Therefore, keeping in view the serious deadlock, I do not feel it safe to permit either of the parties to nominate any of its members to constitute Electoral College. In that regard, I invoke the provision of Article X (A) which provide that a member association would automatically cease to be a member of the Wrestling Federation of India in case his State / UT is divided which is the status as on date.

As a sequel to the above discussion, I find both the rival factions ineligible to nominate any of their members to constitute Electoral College and reject their claims.



**[Justice M.M. Kumar]
Returning Officer &
Chief Justice, High Court of J&K [Retd.]**

**M.M. Kumar
Chief Justice, J&K High Court (Retd.)
Returning Officer
WFI Elections 2023**