

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2371 of 2024**

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1. Sanjeev Kumar, son of Sri Sanjay Kumar Sharma, Resident of Mohalla-Sherpur, NH-30, P.S.-Maner, District-Patna.
2. Bihar Handball Association through Secretary, House No.13, Deshratna Path, Vijay Nagar, Hanuman Nagar, P.S Kankarbag (Patrakar Nagar), Patna through its Secretary Braj Kishore Sharma, Male, aged about 64 years, son of Late Ragho Prasad Sharma, resident of village - Niman P.S.-Dhanarua, District-Patna.
3. Braj Kishore Sharma, son of Late Ragho Prasad Sharma, resident of village-Niman P.S.-Dhanarua, District-Patna.

... .. Petitioners

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Art, Culture and Youth, Government of Bihar, Patna.
2. Additional Chief Secretary, Department of Art, Culture and Youth, Government of Bihar, Patna.
3. Director, Department of Art, Culture and Youth, Government of Bihar, Patna
4. Secretary, Department of Sports, Government of Bihar, Patna.
5. Bihar State Sports Authority through its Director, Patliputra Sports Complex, Kankarbagh, Patna- 800020
6. Director General, Bihar State Sports Authority, Patliputra Sports Complex, Kankarbagh, Patna, 800020
7. Director, Bihar State Sports Authority, Patliputra Sports Complex, Kankarbagh, Patna, 800020
8. Handball Association of Bihar (unregistered) through DG, Bihar State Sports Authority.

... .. Respondents

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**Appearance :**

For the Petitioners : Ms. Prakritita Sharma, Advocate  
Mr. Amarjeet, Advocate  
For the State : Mr. Madanjeet Kumar, G.P.-20  
Mr. Ajay, Amicus Curiae

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL JUDGMENT**  
**Date : 05-07-2024**

By way of this writ petition, the petitioners have  
prayed for the following reliefs:-



- “a. For issuance of appropriate Writ/ Writs, direction/directions in the nature of Mandamus directing the respondents, to act according to the provision of Bihar Sports (Registration, Recognition and Regulation of Associations) Act, 2013, within the ambit of law, as in violation of the same crore of rupees has been arbitrarily spent.
- b. For issuance of direction not to misuse the public money, as BSSA (Bihar State Sports Authority) is acting like a private organization and spending crore of rupees in violation of provisions of Bihar Sports (Registration, Recognition and Regulation of Associations) Act, 2013 and Bihar Financial Rules and branding the image of individual.
- c. For issuance of direction to enquire the financial irregularities in BSSA, and misuse of public money, which has been spent in violation of various Rules, and Statutory provision and even in violation of directive of the parent Department.
- d. For issuance of direction to the concerned authority to extend the financial support/aid/ to the Players/Association as per Government Rules/Guidelines/Policy and not to extend the same to manage the 'Politics of Sports'.
- e. For further kind indulgence of this Hon'ble Court to look into the matter and the concerned respondents may be directed to produce all connected records for perusal of the same for passing an appropriate order.”



2. It is the case of the petitioners that petitioner no.2-Bihar Handball Association is registered under the Bihar Sports (Registration, Recognition and Regulation of Association) Act, 2013 (for short “ the Bihar Sports Act, 2013) as well as under the Societies Registration Act, 1860 bearing its registration no. S21347 dated 15.03.2022. It is an affiliated unit of Handball Federation of India and Bihar Olympic Association and authorized to promote, encourage and organize competitions related to Handball sport in the State of Bihar. The Bihar State Sports Authority( respondent nos.5 to 7) is a body formed by the State of Bihar under the control of Art, Culture and Youth Department for executing various sports policies/activities. A senior I.P.S. officer of the Rank of A.D.G. used to be its Director General and a senior State Administrative Officer used to be its Director.

3. It is also the case of the petitioners that the respondent Bihar State Sports Authority was not a properly constituted body and therefore, sometime in the year 2023, it was decided to get the body registered and for the first time, on 25.03.2023, the body got registered under the Societies Registration Act, 1860. The Chief Minister of Bihar is its President; the Deputy Chief Minister of Bihar is its Vice



President whereas, various ACS/Principal Secretary/Secretary are working as its members and Director General-cum- CEO of Bihar State Sports Authority is its Member Secretary. Prior to 09.01.2024, Art Culture & Youth Department was managing the affairs of Sports in the State of Bihar but on 09.01.2024, a new Department namely, Department of Sports has been created for the welfare of sports and sport persons etc.

4. According to the petitioners, the election of Handball Federation of India was held on 01.11.2020 and within a few days of the election, the Handball Federation of India got divided into two factions and this led to series of litigation and finally election of Handball Federation of India was held on 14.08.2022. Since the other faction was not ready to accept the result, they formed a parallel body namely, Handball Association of India.

5. It is also the case of the petitioners that the issue with respect to election of Indian Olympic Association was pending before the Hon'ble Supreme Court in S.L.P. (C) No.14533 of 2022 wherein Mr. Justice L. Nageshwar Rao (Retired) was appointed as One-Man Committee to conduct the election. The claim of both the groups i.e. Handball Federation of India and Handball Association of India were considered by



Mr. Justice L. Nageshwar Rao (Retired) and by an order dated 03.11.2022 he accepted the claim of Handball Federation of India as the official body. Despite this fact, the Indian Olympic Association and the Ministry were entertaining the Handball Association of India by issuing certain letters, but the same were stayed by the Hon'ble Punjab and Haryana High Court. Taking advantage of this situation, some persons have formed a sports association at Bihar level namely, Handball Association of Bihar claiming to be an unit of Handball Association of India.

6. According to the petitioners, it is mandatory for the State Sports Association to get itself registered under the Bihar Sports Act, 2013, which offers registration, recognition and regulation of sports in the State of Bihar but, the respondent Bihar State Sports Authority being a State instrumentality aware with the facts that the petitioner no.2-Bihar Handball Association is the only sports body in handball category registered under the Sports Act, 2013 and Society Registration Act, 1860 is entitled for all monetary benefits and support from the State Government but the same is not being given to the petitioner no.2- Bihar Handball Association by the Bihar State Sports Authority and is illegally extending all the financial benefits to the Handball Association of Bihar (respondent no.8),



which is an unregistered body.

7. It has been argued by the petitioners that the Handball Association of Bihar (respondent no.8) is an unregistered body and therefore, it does not possess the authority to select the athletes to participate in the events organized by the State or at the national level. The participation of players through such unregistered association is deemed ineffectual as they will not be eligible for consideration under the sports quota recruitment scheme. It has also been argued that various unauthorized sports bodies such as Handball Association of Bihar, Athletics Association of Bihar and the Bihar Weightlifters Association use the word “Bihar” in their name despite Section 28 of the Bihar Sports Act, 2013 prohibits such representation without authorization from recognized association.

8. It has also been argued that though the information was sought under the Right to Information Act regarding conducting the training camp and providing expenditure on food, accommodation and also the expenses for calling the coaches outside the training camp of Handball Association of Bihar by the Bihar State Sports Authority, no information has been provided till date which shows the mala fide intention and abuse of the power of the authority of the



Bihar State Sports Authority.

**9.** In nutshell, the grievance of the petitioners is that the Bihar State Sports Authority an instrumentality of State is arbitrarily and illegally promoting the Handball Association of Bihar (respondent no.8) and is extending all financial benefits though it is not a registered Sports Association under the Bihar Sports Act, 2013 whereas, the petitioner no.2 - Bihar Handball Association is the only sports body in handball category registered under the Bihar Sports Act, 2013 and Society Registration Act, 1860 is not extending any financial benefit.

**10.** In this case, a counter affidavit has been filed on behalf of respondent no.2, wherein it has been stated that the complaint of the petitioner no.2- Bihar Handball Association has been sent to the Director-cum-Secretary, Bihar State Sports Authority, Patna to make available the list of beneficiaries of financial assistance along with their details as well as the amount received by them but, the same was not made available. It has also been stated that the Art, Culture and Youth Department, Government of Bihar has not sanctioned any fund to the Bihar State Sports Authority for extending financial assistance to the Handball Association of Bihar (respondent no.8).



11. The respondent nos.5 to 7 have also filed their counter affidavit wherein it has been stated that under Article 77(3) of the Constitution of India, the Government of India (Allocation of Business) Rules, 1961 has been framed, which allocates the business of the Government amongst its various Ministries/Departments. Under the aforesaid Rules, matters relating to the Indian Olympic Association and National Sports Federations are to be dealt with solely by the Ministry of Youth Affairs and Sports. Therefore, the power to decide the matters relating to National Sports Federations and the Indian Olympic Association including the grant, withdrawal, suspension and recognition falls within the powers of the Ministry of Youth Affairs and Sports. Further, the recognition of Handball Federation of India as a National Sports Federation, to which the petitioner no.2 (Bihar Handball Association) is affiliated, has already been suspended in the year 2022 itself and thereafter, a new body namely, Handball Association India has been recognized. The Handball Federation of India is no more a recognized body both by National and International Governing Bodies. Whereas Handball Association of India is the duly recognized body by both National and International governing Bodies.





**12.** It has also been stated in the counter affidavit that the Bihar Sports Act came into existence in the year 2013 but the petitioners chose not to register themselves under this Act for ten long years and thereafter in the year 2023 they get themselves registered under this Act. The petitioner no.2 (Bihar Handball Association) is claiming to be registered under the Bihar State Sports Act, 2013 but it has suppressed the fact that its parent body is already de-recognized. Further, the claim of the petitioner no.2-Bihar Handball Association that it is affiliated to the Bihar Olympic Association also does not hold any legitimacy as Bihar Olympic Association itself is not a registered body as per the Bihar Sports Act, 2013.

**13.** It has also been argued by the respondent nos.5 to 7 that the petitioner no.2 and 3 stating that until and unless the sports associations get themselves registered under the Bihar Sports Act, 2013 they are not allowed to use the word "Bihar" but the fact remains that the petitioners themselves did not get registered under this Act from 2013 to 2023 and yet they were using the word "Bihar" during this period, which is illegal. The respondent nos. 5 to 7 function purely as sports administrators and as an implementing agency for development of sports through various policies and schemes approved by



Government of India and Government of Bihar. They are not holding any posts in any of the State Sports Associations and National Sports Federations till date. It has also been argued that the submission of the petitioners that they are affiliated with Handball Federation of India as well as Bihar Olympic Association is baseless as Handball Federation of India does not have any recognition from the Government of India at any level nor does it have any identity. Further, before 25.03.2023, the Bihar State Sports Authority operated under the Department of Art, Culture and Youth for the development of Sports and players of Bihar. It was established in 1986 and so far ten officers of the Indian Police Service have served as its Director General.

**14.** It has further been argued that on 09.01.2024, Bihar Government created a separate Sports Department namely, Sports Department of Bihar, which works especially for the development of sports and players in the State of Bihar. The Bihar State Sports Authority will also work under the newly formed department. The main work of the Sports Department is to approve policies, allocate budgets to the Bihar State Sports Authority, which is the executing wing with respect to all the developmental activities and programs for sports.



**15.** It has also been argued that the respondent no.8 i.e. Handball Association of Bihar has never been provided any financial assistance by the Bihar State Sports Authority. The Bihar State Sports Authority provided training sessions, accommodation, food, playing kits to the talented handball players selected by following due process. This step was taken by the Bihar State Sports Authority to revive the game of handball in the State of Bihar and to provide a platform to all the handball players of the State.

**16.** This Court vide order dated 15.02.2024 has appointed Sri Ajay, learned counsel, as Amicus Curiae to assist in the present matter.

**17.** It has been argued by learned *Amicus Curiae* that "Handball", a Team Sports, is an Olympic Sports played in Olympic, Asian Games, Commonwealth Games, National Games etc. International Handball Federation is the parent body controlling and managing it at international level and in India. Similarly, in the State of Bihar, it is the Bihar Handball Association, which is managing and controlling this sport. All these Bodies are/were registered and affiliated with its concerned body like Olympic Association or its parent body. Similarly, the Bihar Handball Association is also affiliated with



Handball Federation of India and Bihar Olympic Association.

**18.** It has also been argued that after the election of Handball Federation of India held on 01.11.2020, the Handball Federation of India got divided into two factions and this led to series of litigation and finally fresh election of Handball Federation of India was held on 14.08.2022. Other faction did not accept the same and formed a new parallel body namely, Handball Association of India. The dispute between the two groups is still *sub-judice* and pending before the Hon'ble Punjab and Harayan High Court vide C.W.P. No.15338-2023 and 19665-2023. Newly formed Federation i.e. Handball Association of India had support of few State Unit, so in other States they formed a new body, this body got the recognition from Indian Olympic Association vide letter dated 31.05.2023 as well as by the Union of India vide letter dated 25.07.2023. Implementation of both the letters were stayed by the Hon'ble Punjab and Haryana High Court by orders dated 20.07.2023 & 05.09.2023 passed in C.W.P. No.15338 of 2023 & C.W.P. No.19665 of 2023 respectively. Despite this newly formed Handball Association of India is/was continuing its activities on the ground that it has recognition from international body i.e. International Handball Federation and in Bihar it is recognizing



Handball Association of Bihar, a recently formed unregistered body. The recognition is the beginning of the dispute in Bihar, especially by the instrumentality of the State i.e. Bihar State Sports Authority despite the fact that in the State, the sports is regulated by a law namely, Bihar Sports Act, 2013 and the petitioner is the only registered association for Handball.

**19.** It has also been argued by learned Amicus Curiae that since the Bihar Sports Act, 2013 is a regulatory and beneficial piece of legislation has been enacted for regulating the Sports Association activities and protecting the right to represent State of Bihar in different National and International sports events, State and its instrumentality is duty bound to adhere to the law. It is beyond the realm of the State to recognize a body not registered under the Bihar Sports Act, 2013.

**20.** It has also been argued that considering the various provision of law, few facts are apparent that for every Sports Association, it was compulsory to get it registered under the Bihar Sports Act, 2013 and other than registered Association none can use the name of the State/District or game. So, the respondent no.8 i.e. Handball Association of Bihar is a Association of person not registered under the Bihar Sports Act,



2013, cannot use the name of State and sports and if it uses the name of the State then it will be liable for action by the Authorities. In case of any mismanagement, authorities are free to take action, as provided under the Bihar Sports Act, 2013, but cannot entertain or allow any other body to use the name of State and sports.

**21.** It has also been submitted that it is an admitted fact that the petitioner no.2-Bihar Handball Association is a registered association under the Bihar Sports Act, 2013 and is/was affiliated to Handball Federation of India, however due to some dispute among the office bearer of Handball Federation of India, a State Association cannot be allowed to suffer and none can be allowed to take away a vested right of the petitioner no.2. It is the duty of the State to protect the interest of the association and to allow others to use the name of the State. Admittedly, the Handball Association India and Handball Association of Bihar is the body formed after the mid of the year 2022, a new body cannot take advantage of any dispute/mistake and such a dispute/mistake can be corrected but forming a new body and allowing it to take over will amount to give advantage to misdeeds of old one.

**22.** It has also been submitted that so far as the



allegation of the petitioners is concerned, the same has not been answered properly, so this Court may not go into the disputed question of fact and may relegate the adjudication of these charges to the Executive Authorities such as Senior A.C.S. or departmental head.

**23.** I have considered the submissions of the parties and the submission of the Amicus Curiae and perused the materials on record.

**24.** It is not in dispute that the petitioner no.2 (Bihar Handball Association) is registered under the Bihar Sports Act, 2013 and it is the only recognized body in connection with handball sport. The respondent no.8 (Handball Association of Bihar) is unregistered body and it claims affiliation from Handball Association of India but the dispute over the recognition of Handball Association of India is pending before the Punjab and Haryana High Court, which has passed orders against it. Therefore, the respondent no.8 (Handball Association of Bihar) cannot be held to be an organization representing the handball sport in the State of Bihar particularly when it is not registered under the Bihar Sports Act, 2013.

**25.** So far as the allegation of misuse of funds by the respondent nos. 5 to 7 is concerned, the same cannot be



enquired into by this Court. If they have misused the funds allotted to them and have distributed the same to a non-recognized and non-registered association, it is for the Government to initiate action after enquiring into the allegations of the petitioners. This Court, at this juncture, is not giving any opinion as to whether the respondent nos. 5 to 7 have misutilized the funds and have released the funds in favour of an un-recognized and unregistered organization.

**26.** Accordingly, the respondent no.2 i.e. the Additional Chief Secretary, Department of Art, Culture and Youth, Government of Bihar is directed to enquire into the allegations of mismanagement of funds by the respondent nos. 5 to 7 and if the allegation of mismanagement of funds is found to be true then appropriate action shall be taken by the Additional Chief Secretary. The entire exercise shall be completed by the Additional Chief Secretary, Department of Art, Culture and Youth, Government of Bihar within two months from today.

**27.** The respondent nos. 5 to 7 are also directed not to entertain any unregistered Handball Association or any other sports organization in violation of the Bihar Sports Act, 2013 as it has been argued by the petitioners that though the respondent no.8 (Handball Association of Bihar) is unregistered





organization but still it is being entertained by the respondent nos. 5 to 7.

**28.** With the aforesaid observations and directions, this writ petition stands disposed of.

**(Sandeep Kumar, J)**

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<b>AFR/NAFR</b>	N.A.F.R.
<b>CAV DATE</b>	N/A
<b>Uploading Date</b>	05.07.2024
<b>Transmission Date</b>	05.07.2024

