

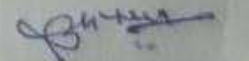
OM PRAKASH

Retd. R.E.S., Govt. of Rajasthan
Election Officer
Rajasthan Athletic Association

I, Om Prakash, Retd. R.E.S., Government of Rajasthan have heard the persons who have filed objections regarding the provisional Voter List issued for the elections of Rajasthan Athletic Association for the term 2023-2027 and have also carefully gone through the record provided to me by the persons who have filed the objections and also by the persons against whom objections are filed. My decision on the objections submitted are as under: -

A. Objections regarding District Athletic Association Alwar

1. The Objector Shri Giriraj Sankhala has submitted that the tenure of the office bearers shown in the Voter List namely Shri Umrao Lal Saini, Shri Ramphal Saini and Shri Nem Singh Yadav has come to an end after expiry of the period of four years of their tenure. The elections of the said person took place on 19.03.2019 and therefore the term of the said body has come to an end on 18.03.2023.
2. It is to be noted that the Dy. Registrar, Cooperative Societies, Alwar vide order dated 13.04.2023 has passed


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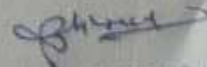
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an order whereby he has appointed Inquiry Officer to determine the validity of election dated 12.03.2023 which are the last elections convened in the District Athletic Association Alwar.

3. In the order dated 13.04.2023 it is observed by the Dy. Registrar that for the purpose of daily working of the association the previous office bearers of the association will be entitled to work.
4. That from the perusal of order dated 13.04.2023 it is apparent that the old office bearers can only do the day to day working of the Association. There is no clear recital in the order dated 13.04.2023 that whether the old office bearers can represent the District Association in the elections of the Rajasthan Athletic Association, which is its parent body. This is particularly important in the circumstances when the tenure of the said old body has already expired.
5. That inquiry regarding the elections which were undertaken on 12.03.2023 is admittedly pending this day and the office bearers elected on 12.03.2023 have not been declared illegally elected. Therefore, the


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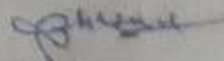
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vested right of the said office bearers can also not be ignored or disturbed merely because in the provisional voter list issued by the Acting Secretary of RAA name of old office bearers namely Umrao Mal Saini, Ramphal Saini and Nem Singh Yadav are mentioned.

6. That, if the inquiry initiated by order dated 13.04.2023 is decided in favour of the body elected on 12.03.2023 then irreparable loss will be caused to them because their valuable right to vote in the election of its parent body for the elections of the term 2023-2027 will be lost forever.
7. That, in the above mentioned facts and circumstances I deem it proper that any one person from the old office bearers namely Umrao Mal Saini, Ramphal Saini or Nem Singh Yadav can cast their vote, in case voting is required on any post, but their vote will be kept in sealed envelope subject to final outcome of the inquiry which is being conducted pursuant to order dated 13.04.2023.
8. That, similarly any one office bearer from those elected on 12.03.2023 can cast their vote, in case voting is



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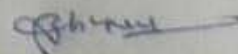
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required on any post, but their vote will also be kept in sealed envelope subject to final outcome of the inquiry initiated vide order dated 13.04.2023.

9. That, in the above mentioned scenario I deem it just and proper that no office bearer of Alwar District Athletic Association elected on 19.03.2019 or on 12.03.2023 can be allowed to contest elections on any post because there is no finality as to who are the actual office bearers of the said district. The actual office bearers of the said district will be determined by the Registrar, Cooperative Societies after completing the inquiry initiated vide order dated 13.04.2023.
10. Ordered accordingly.

B. Objections regarding District Athletic Association Baran

1. Regarding participation of District Athletic Association Baran objections have been submitted to the effect that the said District Athletic Association is not functional and is rather lying dormant for last two years.



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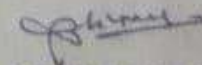
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2. In the support of his contentions the objector has relied upon disaffiliation letter dated 24.04.2023 issued by Athletic Federation of India.
3. Perusal of letter dated 24.04.2023 issued by Athletic Federation of India clearly reveals that District Athletic Association Baran has not send its players for Inter-District Championship for the last two years.
4. In support of his contentions the objector has relied upon Section 22 of the Rajasthan Sports Act wherein it is stated that Sports Association is disqualified if the Sports Association fails to carry out its obligations under Chapter-VIII of the Sports Act, 2005.
5. Section 30 of the Act of 2005, contained in Chapter-VIII prescribes the obligation of District Level Sports Associations. Sub-clause (2) of Section 30 clearly prescribes that a District Association is under obligation to send its players and team to participate in the State Level Tournaments.
6. Conjoint reading of letter dated 24.04.2023 issued by Athletic Federation of India along with the above mentioned provisions contained in Rajasthan Sports Act,



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2005 clearly shows that the District Association Baran has failed to fulfil his obligations.

7. During the course of hearing the objector has requested to take on record letter dated 14.03.2020 issued by District Sports Officer Baran. The said letter is addressed to the Secretary, Rajasthan Sports Council and contains the observations of the Sports Officer regarding the elections of the Association which took place on 22.10.2019.
8. In the said letter the Sports Officer has specifically mentioned that on the election certificate the signatures of Election Officer Sharafat Ali were found to be false and therefore the elections were invalid. It is further mentioned that there is no news of convening any fresh elections.
9. Once the elections of the District Athletic Association Baran held on 22.10.2019 / 13.10.2019 are found to be invalid by the Sports Officer owing to some forgery or false averment mentioned therein, then I am of the opinion that the office bearers elected in such tainted election cannot be allowed to participate in the elections of Rajasthan Athletic Association.
10. In the above mentioned facts, the representation of Baran District Athletic Association cannot be allowed in the


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elections of Rajasthan Athletic Association as the said Association is running only on papers and has no actual participation in the Sports of Athletics and their elections have been found to be tainted by the Election Officer as per his report submitted to the Secretary, Rajasthan State Sports Council.

11. Resultantly, none of the office bearers mentioned in the provisional Voter List issued by the Acting Secretary of Rajasthan Athletic Association at serial No.3 represent the Baran District Athletic Association will be allowed to either vote or contest in the said elections.
12. Ordered accordingly.

C. Objections regarding name of Shri Gopal Krishan Saini as Treasurer of Bharatpur District Athletic Association and to not to allow him to vote or participate in the elections of Rajasthan Athletic Association

1. The objector has submitted the objection regarding mentioning the name of Shri Gopal Krishan Saini at serial No.7 of the tentative Voter List issued by the Acting Secretary of Rajasthan Athletic Association as Treasurer of District Athletic Association Bharatpur. It is contended by


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- the Objector that Shri Gopal Krishan Saini has been claiming himself to be the President of Jaipur District Athletic Association throughout but in the tentative Voter List issued by the Secretary of RAA he has been shown as the Treasurer of Bharatpur District Athletic Association.
2. It is contended by the Objector that by playing fraud and by creating concocted document Shri Gopal Krishan Saini has managed the affairs, and has got his name inserted as Treasurer of Bharatpur District Athletic Association. The tentative Voter List also bears two dates of last election i.e. 25.12.2020 and 25.03.2023.
 3. It is further contended by the objector that till date Shri Gopal Krishan Saini is contesting case against the office bearers mentioned at serial No.12 as the office bearers of Jaipur District Athletic Association. He has filed S.B. Civil Writ Petition No.13152/2020 challenging the elections of Smt. Rajbala Saini, Virendra Poonia and Nagar Mal Moyal as the office bearers of Jaipur District Athletic Association.
 4. It is the contention of Shri Gopal Krishan Saini before the Hon'ble High Court that he is the actual Secretary of the Jaipur District Athletic Association and the above named


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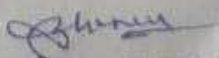
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persons have been illegally elected. Copy of S.B. Civil Writ Petition No.13152/2020 has been placed before me.

5. Shri Gopal Krishan Saini has failed to show any document that the said writ petition has been withdrawn by him or that he has resigned from the post of Secretary of Jaipur District Athletic Association. Similarly, Shri Gopal Krishan Saini has failed to demonstrate by producing documents on record as to when vacancy was created on the post of Treasurer in Bharatpur District and in what manner election process was undertaken for the said single post. It is to be noted that Shri Gopal Krishan Saini is permanent resident of Jaipur City and does not have domicile of Bharatpur City. Shri Gopal Krishan Saini has tried to rely upon a rent note issued in his favour which is executed on 12.05.2023.
6. Apparently, the date of electing Shri Gopal Krishan Saini precedes the date of said purported rent note and it is apparent that the rent note has been created only to justify insertion of his name as Treasurer of Bharatpur District Athletic Association. If the rent note is dated 12.05.2023 and he has started living in Bharatpur from 12.05.2023 then any way he could not have contested the election on the vacant post of Treasurer on 25.03.2023. There is no recital in the rent note that Shri Gopal Krishan Saini started living


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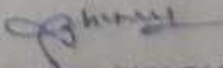
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in the rented premises prior to issuing the rent note and the rent note was executed subsequently.

7. The perusal of the contents of writ petition No.13152/2020 and the contents of the rent note and the conduct of Shri Gopal Krishan Saini is sufficient to demonstrate that he has become the Treasurer of District Athletic Association Bharatpur by adopting deceitful means.
8. There is sufficient doubt on the manner of being elected as alleged Treasurer of District Athletic Association Bharatpur. It is also apparent from record that Shri Gopal Krishan Saini has been claiming himself to be the Jaipur District Athletic Association and has also challenged the election of Office bearers mentioned against District Jaipur at serial No.12 by way of writ petition No.13152/2020. The said writ petition is pending this day and Shri Gopal Krishan Saini has failed to demonstrate as to how he can be an office bearer in two different district associations.
9. It is also important to note that Shri Gopal Krishan Saini has failed to demonstrate if 21 days clear notice was issued as provided in Section 8 of the Rajasthan Sports Act, 2005 prior to his election as Treasurer of District Athletic Association Bharatpur and all the provisions contained in Section 8 and


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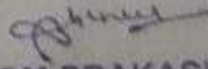
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13 of the Act of 2005 were complied with for his elections which allegedly took place on 25.03.2023. No cogent document in this regard has been submitted by Shri Gopal Krishan Saini.

10. The on shot of the above mentioned discussion is that Shri Gopal Krishan Saini is not the Treasurer of District Athletic Association Bharatpur and has managed the affairs in a clandestine manner to get his name inserted in the voter list of Bharatpur District Athletic Association by providing forged and fabricated documents to the Acting Secretary of Rajasthan Athletic Association, through the President and Secretary of the Bharatpur District Athletic Association.
 11. In the above mentioned circumstances Shri Gopal Krishan Saini cannot be allowed to participate in the elections of Rajasthan Athletic Association in any manner, be it as a voter or as a candidate by claiming himself the office bearers of Bharatpur District Athletic Association.
 12. Ordered accordingly.
- D. Objections regarding participation of District Athletic Association Bhilwara, Bharatpur, Churu, Jalore and Sikar in the elections of Rajasthan Athletic Association. Similarly objections are submitted by Secretary,**


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District Athletic Association Tonk, District Athletic Association Sri Ganganagar and District Athletic Association Kota.

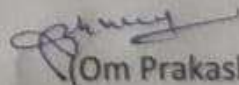
1. Identical objections have been submitted by three District Athletic Associations, namely Tonk, Sri Ganganagar and Kota, wherein it is contended that the elections certificates of the last elections of District Athletic Association Bhilwara, Bharatpur, Churu, Jalore and Sikar does not bear the signature of the Observer of District Sports Council. It is contended that the Observer of District Sports Council has to be present in the elections of the executive body of District Level Sports Association and subsequent to elections the election certificate has to be counter signed by the said Observer.
2. In support of his contentions the Objectors have relied upon Section 13 of the Rajasthan Sports Act, 2005.
3. I have perused the election certificates of District Athletic Association Bhilwara dated 16.12.2020 and from the bare perusal of the said election certificate it is apparent that the signature of Observer of the District Sports Council are not there. Similar is the position of election certificate of District Bharatpur dated 25.12.2020 and 25.03.2023, District Churu

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dated 28.08.2020, District Jalore dated 21.02.2020 and
District Sikar dated 27.12.2020.

4. From the above mentioned facts it is apparent that the election certificates of the said District Associations are not valid as per Section 13 of the Act of 2005.
5. In the light of the above mentioned discussions the office bearers of Districts Bhilwara, Bharatpur, Churu, Jalore and Sikar cannot be allowed to vote or participate in the election of Rajasthan Athletic Association till they get declaration about validity of their election certificate from competent authority.
6. Ordered accordingly.



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DECISION ON OBJECTION NO. 05

This is in regard to the participation of Jaipur District Athletic Association in the election of Rajasthan Athletic Association, the objections have been submitted by Shri Gopal Saini.

Reply to the said objection has been filed by Birendra Singh Shekhawat wherein they have stated that the last election of Jaipur District Athletic Association are challenged by Shri Gopal Saini himself by way of writ petition and in the said writ petition he has got no stay in the last about 2 years.

It is contended by Shri Shekhawat that the last elections of RAA were challenged by Jaipur District Athletic Association. During the pendency of the said writ petition Shri Virendra Poonia as Secretary of Jaipur District Athletic Association was resolved to be replaced by Shri Shekhawat because he was appointed as Chief Sports Officer of Rajasthan State Sports Council, for the said reason he couldnot have continued on the post of Secretary of Jaipur District Athletic Association.

In the said circumstances the undersigned is entitled to vote on behalf of Jaipur District Athletic Association.

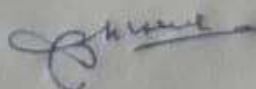
It is further contended by Shri Shekhawat that the minutes of meeting dated 26.3.2023 were placed before the Hon'ble High Court and are part of record of the Hon'ble High Court.

He has also contended that the said decision is unchallenged before any competent authority and therefore he has right to represent Jaipur District Athletic Association.

I heard the respective parties. In my opinion though the dispute is pending before the High Court, but no stay order is there against the body elected in the year 2020. Smt. Rajbala Saini and Shri Birendra Singh Shekhawat part of the said body, and therefore, they have right to participate in the election process and AGM of Rajasthan Athletic Association. Since the dispute is pending before the Hon'ble High Court, therefore, I as Election Officer cannot enter into the dispute which is pending before the High Court because it is beyond my competence. However, from the record it is apparent that the last elections of the Jaipur District Athletic Association have not been stayed by any competent authority or held illegal. The minutes dated 26.03.2023 are also in public domain and have also not been challenged or stayed by any authority, therefore, I hold that the objections of Shri Gopal Saini cannot be allowed.

Thus, I find no defect or illegality in the voter list as suggested by Shri Gopal Saini. Objections of Shri Gopal Saini are thus rejected.

Ordered accordingly.



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