



\$~46

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 22.05.2026

+ LPA 399/2026

VINESH PHOGAT

.....Appellant

Through: Mr. Raj Shekhar Rao, Senior Advocate with Mr. Ritwik Prakash, Ms. Vishakha Gupta, Ms. Aashita Khanna and Mr. Neil M. Goswami, Advocates.

Versus

WRESTLING FEDERATION OF INDIA & ORS.....Respondents

Through: Mr. Hemant Phalpher and Mr. Karishmit Keswani, Advocates for R1.

Mr. Udit Dedhiya, SPC with Ms. Apurva Sachdev and Mr. Preyansh Gupta, Advocates for R2/UoI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (Oral)CM. APPL. 35344/2026

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

LPA 399/2026, CM Nos.35343/2026 & 35345/2026

3. The present Letters Patent Appeal has been filed by the Appellant assailing the order dated 18.05.2026 ("**Impugned Order**") passed by the learned Single Judge in W.P. (C) 6766/2026 titled '*Vinesh Phogat v. Wrestling Federation of India*' ("**Writ Petition**"). The Writ Petition seeks to



challenge Respondent No. 1's Asian Games Selection Policy dated 25.02.2026 (“**Policy**”) and the Selection Criteria Circular dated 06.05.2026 (“**Circular**”) to the extent that they operate to exclude the Appellant from participation in the selection trials of Asian Games 2026 scheduled to be held on 30.05.2025 and 31.05.2026 (“**Selection Trials**”).

4. The Writ Petition also seeks quashing of the Show Cause Notice bearing reference WFI/DC/SCN/2026 dated 09.05.2026 (“**SCN**”), with a further prayer seeking a direction to Respondent No. 1 to carry out the Selection Trials under the supervision and observation of representatives / observers nominated by the Indian Olympic Association (“**IOA**”) and Ministry of Youth Affairs and Sports (“**MYAS**”) so as to ensure fairness in the selection process.

5. *Vide* the Impugned Order, the learned Single Judge issued notice in the Writ Petition and CM APPL. 33268/2026 for stay and granted liberty to the Appellant to file a comprehensive reply to the SCN and directed Respondent No. 1 to carry the SCN to its logical conclusion before the next date of hearing of the Writ Petition i.e. 06.07.2026.

6. The Appellant is aggrieved by the Impugned Order to the extent that it did not grant any interim protection during the pendency of the Writ Petition despite the imminent Selection Trials scheduled for 30.05.2026 and 31.05.2026.

7. The Appellant is an internationally acclaimed wrestler, who has represented India at the highest level of international wrestling, including at the Olympic Games, the World Championships, the Asian Games and the Commonwealth Games. The Appellant has secured several medals and distinctions for India in international competitions, *inter alia*, including



bronze medals at the 2019 and 2022 World Wrestling Championships, gold medals at the 2014, 2018 and 2022 Commonwealth Games, and a gold medal and a bronze medal at the 2018 and 2014 Asian Games, respectively.

8. Respondent No. 1, the Wrestling Federation of India, is the recognised National Sports Federation governing the sport of wrestling in India under the aegis of MYAS, Government of India, and is affiliated with United World Wrestling (“UWW”), the international governing body for the sport. Respondent No. 1 is, *inter alia*, responsible for the administration, regulation, promotion and conduct of wrestling activities in India, including the organisation of National Championships and selection trials, as well as the selection of wrestlers to represent India in various international competitions, including the Asian Games, the Olympic Games and the World Championships.

9. Respondent No. 2, the Union of India, through MYAS, exercises regulatory and administrative control over recognised National Sports Federations, including Respondent No. 1.

10. Respondent No. 3, the IOA, is the apex body responsible for the development, promotion and representation of Olympic sports in India and is recognised by the International Olympic Committee. It is responsible for the coordination and participation of Indian athletes in multi-sport international events, including the Olympic Games, Asian Games and Commonwealth Games.

11. The brief facts leading to the present Appeal are as under:

11.1. On 06.12.2024, the International Testing Agency (“ITA”) informed the Appellant that she had been included in the UWW Registered Testing Pool. Thereafter, on 14.12.2024 and 15.12.2024, the Appellant formally intimated the ITA that she



would remain on sabbatical until August 2025 on account of the fact that she was in her family way. The Appellant further informed the ITA that, in accordance with the prescribed procedure, she would furnish written notice six months prior to her return to competition and would ensure compliance with all applicable obligations, including whereabouts filings and testing protocols.

- 11.2. On 17.12.2024, the ITA sought clarification regarding the Appellant's temporary retirement status until August 2025. In response thereto, on 18.12.2024, the Appellant clarified that she would be undertaking a temporary sabbatical until August 2025. The Appellant further stated that her retirement from the sport of wrestling was not permanent in nature and that she intended to resume competitive wrestling upon the conclusion of the said sabbatical.
- 11.3. Thereafter, on 30.06.2025 the Appellant informed the ITA and UWW that her sabbatical had concluded and that she intended to resume training with effect from 15.07.2025. On the same date, the ITA acknowledged the Appellant's return to active training and competition and, by e-mail dated 03.07.2025, expressly stated that the Appellant would be eligible to compete from 01.01.2026 onwards.
- 11.4. In July 2025, the Appellant gave birth to her first child. Thereafter, on 12.12.2025, the Appellant informed the Director General of the Sports Authority of India ("SAI"), UWW and the TOPS Programme that, following the birth of her child, she



had resumed wrestling training and looked forward to their support and cooperation in the lead-up to future international competitions, including the 2028 Olympic Games.

11.5. The Asian Games Selection Policy dated 25.02.2026 published by Respondent No. 1 restricted eligibility of the Asian Games trials to the following wrestlers:

- i. All medal winners of the 2025 Senior National Wrestling Championship.
- ii. All medal winners of the 2026 Federation Cup (Senior) Free Style, Greco Roman Style & Women Wrestling.
- iii. All medal winners of the 2026 Under-20 National Wrestling Championship.
- iv. All medal winners of the 2026 Under-23 National Wrestling Championship (if held before the trial).

11.6. Thereafter, the Asian Games Selection Circular dated 06.05.2026 issued by Respondent No. 1 provided that only the following wrestlers shall be eligible to participate in the selection trials:

- i. All medal winners of 2025 Senior National Wrestling Championship held at Ahmedabad (Gujarat) from 12th to 14th December 2025.
- ii. All medal winners of 2026 Senior Federation Cup held at Ghaziabad (UP) from 12th to 14th February 2026.
- iii. All medal winners of the Under-20 National Wrestling Championship held in Bhilai (Chhattisgarh) from 10th to 12th April 2026.



- 11.7. Subsequently, Respondent No. 1 issued Show Cause Notice dated 09.05.2026 to the Appellant, *inter alia*, seeking an explanation in relation to the Paris Olympic weigh-in issue, which has been adjudicated by the Court of Arbitration of Sports. Pursuant thereto, Respondent No. 1 has rendered the Appellant ineligible from participating in any WFI competitions and events till 26.06.2026, including the Senior Open Ranking Tournament at Gonda.
- 11.8. The Appellant claims that the Asian Games Selection Policy and Circular are exclusionary in nature, and that it is unfairly discriminatory towards the Appellant. Further, it is contended by the Appellant that the Show Cause Notice issued by Respondent No. 1 arbitrarily renders the Appellant ineligible from competing in WFI competitions.
- 11.9. Aggrieved by the same, the Appellant preferred the Writ Petition before this Court. By way of the Impugned Order, the learned Single Judge issued notice in the Writ Petition, however, no interim protection was granted to the Appellant and listed the matter for 06.07.2026. Aggrieved by the Impugned Order, the present Appeal has been filed by the Appellant.
12. The learned Senior Counsel appearing on behalf of the Appellant submitted that the Appellant is one of India's most accomplished international wrestlers and an Olympian, having represented India at the highest level of competition, including the Olympic Games, the World



Championships, the Asian Games and the Commonwealth Games. It was further submitted that the Policy and the Circular issued by Respondent No. 1 create a rigid and mechanically exclusionary eligibility framework governing participation in the Selection Trials. The Appellant has challenged the legality, validity and constitutional propriety of the Policy and the Circular in the Writ Petition, inasmuch as the impugned framework restricts eligibility solely to medal winners of specified domestic events in previous years.

13. It was further submitted on behalf of the Appellant that she is not seeking automatic qualification or any relaxation of sporting standards, but merely an opportunity to participate in the Selection Trials and compete on merit. In this regard, it was submitted that the Appellant had duly complied with the applicable anti-doping and return-to-competition framework administered by the ITA on behalf of UWW, which was expressly confirmed *vide* communication dated 03.07.2025 stating that the Appellant would be eligible to resume competitive participation with effect from 01.01.2026.

14. It was contended on behalf of the Appellant that owing to the Appellant's duly disclosed maternity-related absence, childbirth, post-partum recovery and regulated return-to-competition process, none of the qualification routes prescribed under the Policy and Circular were realistically available to her. Consequently, the impugned framework was stated to convert her maternity-related sporting interruption into a disabling factor operating against participation itself, thereby producing manifestly unequal and discriminatory consequences for a woman athlete.



15. Learned Senior Counsel for the Appellant further submitted that the legality and bona fide of the SCN has also been challenged in the Writ Petition as the same was issued immediately prior to the Senior Open Ranking Tournament at Gonda, Uttar Pradesh, whereby the Appellant was purportedly rendered ineligible from participation in WFI events till 26.06.2026, effectively extending beyond both the Gonda Tournament and the Selection Trials. Although the Appellant was permitted to register for the Gonda event and was physically present at the venue, the Appellant was prevented from participating in the tournament.

16. It was further submitted by learned Senior Counsel for the Appellant that the Appellant specifically contended before the Ld. Single Judge that the SCN was *ex-facie* without jurisdiction, legally untenable and *mala fide* in nature as it relied upon outdated, superseded and non-existent regulatory provisions by seeking to reopen issues already conclusively dealt with before the Court of Arbitration for Sport (“CAS”), and formed part of the larger exclusionary framework operating to prevent the Appellant’s participation in the Selection Trials.

17. The learned Senior Counsel for the Appellant submitted that the CAS in its Award dated 16.08.2024, has in Paragraph 126 observed that the Appellant entered the field of play and fought and won three rounds and reached the final of the 50 kgs wrestling competition at the Paris Olympics Games before she failed the second weigh-in and was ineligible to compete in the final. The Award further observed that “***there is no suggestion of any wrongdoing on her part***”.

18. In view of the same, it was submitted on behalf of the Appellant that the SCN has raised stale allegations and made derogatory statements that the



Appellant brought national embarrassment by damaging the reputation of Indian Wrestling and the WFI, which were completely unwarranted, pre-mediated and *ex-facie* unsustainable.

19. The learned Senior Counsel for the Appellant also relied upon the past practice of Respondent No. 1, where the wrestlers were permitted to participate in the trial with special permission by WFI. The learned Senior Counsel for the Appellant relied upon the Guidelines for the National Coaching Camp dated 29.04.2025, which provides a discretion to Respondent No. 1 to give special permission to participate in the trials.

20. The learned Senior Counsel for the Appellant submitted that as per the Invitation dated 22.12.2023 issued by Respondent No. 1 for participation in 2023 Senior National Wrestling Championship, it is clearly provided that the Selection Committee will have the discretion to select the iconic players like medallist for Olympic World Championship, without trials provided recommendation by Chief Coach or an expert. It was submitted that given the Appellant is an iconic player, she is entitled to be permitted to participate in the Selection Trials irrespective of the Policy, the Circular or the SCN, which are challenged in the Writ Petition before the learned Single Judge.

21. It was further submitted that the Policy and the Circular do not give any leeway for the selection of the iconic players like the Appellant in case of duly informed maternity sabbatical in the previous year, whereby the Appellant has been disqualified from participating in the Selection Trials on account of the Policy and the Circular.

22. The Appellant has further relied upon various international sporting frameworks, including the regulations of the BWF, WTA, ITTF and WKF, all of which expressly recognise pregnancy, childbirth and maternity-related



absence as circumstances warranting protected ranking, accommodation and structured return-to competition pathways. The Appellant submitted that the complete absence of any maternity-sensitive accommodation under the impugned framework is contrary to the constitutional guarantees of substantive equality, fairness and non-arbitrariness.

23. It was further submitted on behalf of the Appellant that the Impugned Order does not grant any interim relief to the Appellant and the next date of hearing in the Writ Petition is fixed for 06.07.2026, by which time the Writ Petition itself would be rendered infructuous given that the Selection Trials would be held on 30.05.2026 and 31.05.2026.

24. It is further contended by the Appellant that by directing the matter to be listed on 06.07.2026 without safeguarding the Appellant's right to participate in the Selection Trials pending adjudication of the Writ Petition, the Impugned Order has caused grave prejudice to the Appellant as it has resulted in the irreversible loss of the Appellant's opportunity to participate in the Selection Trials for representing India at the Asian Games 2026.

25. *Per contra*, learned counsel appearing for Respondent No. 1 submitted that the Appellant is not entitled to participate in the selection trials, since she had voluntarily retired from the sport of wrestling and, on that account, did not participate in the competitions specified in the Circular issued by Respondent No. 1. It was further submitted that Respondent No. 1 has no power to create exemption to the Policy or the Circular.

26. The learned Counsel for Respondent No. 1 submitted that the Policy and the Circular are uniformly applied to all the athletes and, therefore, there is no discrimination to the Appellant. It was further submitted that in absence of any discretion provided in the Policy or the Circular, Respondent



No. 1 has no ability to permit the Appellant to participate in the Selection Trials.

27. The learned SPC appearing for Respondent No. 2 submitted that MYAS has imposed no bar upon the Appellant's participation in the Selection Trials, however MYAS cannot step into the shoes of Respondent No. 1, as such intervention may entail international sporting repercussions.

28. The learned SPC for Respondent No. 2 further submitted that Respondent No. 2 would arrange independent observers for the Selection Trials from SAI and IOA to maintain transparency and fairness and also get the entire Section Trial video-recorded, subject to directions from this Court.

29. Having heard the learned Counsel for the Parties, we are of the view that although the Impugned Order is in the nature of an interim order, in the peculiar facts and circumstances of the present case, this Appeal requires consideration.

30. The only issue that requires to be considered is whether during the pendency of the Writ Petition, the Appellant should be allowed to participate in the Selection Trials to be held on 30.05.2026 and 31.06.2026 given that the next date of hearing in Writ Petition is on 06.07.2026.

31. At the outset, we would like to observe that motherhood in India and across the world is celebrated. Becoming mother is a great virtue and the laws and society always have given respect to mothers. Becoming a mother is both an intimate transformation and a social moment. Across cultures and histories, motherhood has been celebrated and supported in widely different ways. At the same time, becoming mother can never become a disability. The Appellant being an internationally acclaimed athlete, has brought several laurels to the country. It is acknowledged that the motherhood



cannot be treated as a professional impediment or a circumstance warranting adverse treatment. A legal and regulatory framework that either expressly or impliedly disadvantages a woman on account of pregnancy or post-partum recovery would clearly violate the principles of non-discrimination enshrined in Articles 14 and 21 of the Constitution of India, 1950.

32. It cannot be denied that the journey of a female athlete through pregnancy and the post-partum period is one that is marked by extraordinary physical challenges, the magnitude of which is often insufficiently acknowledged within institutional sporting frameworks. We cannot remain oblivious to the physiological realities and disadvantages related to child birth that female athletes undergo during maternity.

33. The motherhood must be viewed as a natural and deeply significant aspect of life that deserves accommodation and institutional sensitivity. Therefore, the law must ensure that motherhood does not become a ground for exclusion or marginalisation of female athletes such as the Appellant. In the present case, the Appellant's exclusion from the Selection Trials is directly attributable to the sabbatical and temporary retirement from her sporting activities. The duration of her maternity and recovery from the same coincided with the schedule of the Championships, which were required to be participated for meeting the eligibility criteria for the Selection Trials of the Asian Games, 2026 in accordance with the Policy and the Circular.

34. Further, the observations made by Respondent No. 1 in the SCN with regard to the mishap in 2024 Paris Olympic Games, which led to disqualification of the Appellant, by calling it "*national embarrassment*" is deplorable. Such observations made in the SCN despite the Award issued by



CAS, which clearly held that there was no wrongdoing on part of the Appellant, appear to be pre-mediated and are *ex-facie* misconceived and ought to have been avoided. Such observations are retrograde and show the *mala fide* intent of Respondent No. 1 by being vindictive against the Appellant.

35. While the Policy, the Circular and the SCN are being examined by the learned Single Judge in the Writ Petition, it is imperative that the Writ Petition is not made infructuous by not allowing the Appellant to participate in the Selection Trials during the pendency of the Writ Petition. *Prima facie*, the Appellant has made out a good case on merits to challenge the Policy and the Circular being completely arbitrary and discriminatory by restricting the participation of the athletes in the Selection Trials, who are the medal winners of 2025 and 2026, thereby disqualifying the Appellant from participation in the Selection Trials.

36. Admittedly, the Appellant had duly applied for sabbatical during 2025 and, therefore, could not participate in any championship or competition held in that year as the Appellant gave birth to her first child in July, 2025. The Appellant had kept informed the ITA and UWW as well as SAI about her sabbatical and also received confirmation on 03.07.2025 that the Appellant would be eligible to compete from 01.01.2026 onwards.

37. The standard for Selection Trials, as adopted in the Policy and the Circular, marks significant deviation from the past practice. The Guidelines for the National Coaching Camps dated 29.04.2025 issued by Respondent No. 1 clearly provides that the Respondent has discretion to select iconic players for Asian Games without participating in the coaching to be eligible for the trials.



38. In view of the above, the Policy and the Circular are clearly exclusionary in nature as it does not give any discretion to Respondent No. 1 to consider iconic players like the Appellant in view of the sabbatical taken on account of her maternity leave. It is well recognised principle of law that due to maternity, a woman cannot be prejudiced in any manner in terms of her employment, career, ranking and promotion during the period of maternity leave. Therefore, the Policy and the Circular are required to be examined by the learned Single Judge on merit in the Writ Petition, which is pending.

39. Further, the grounds taken in the SCN appear to be pre-mediated and reopening the closed issues. Thus, the learned Single Judge would examine the same on merit once the SCN is brought to the logical conclusion as directed *vide* the Impugned Order.

40. However, in the meanwhile, it is necessary that the Appellant is permitted to participate in the Selection Trials in the interest of sport and justice. In view of the peculiar facts and circumstances of this case, it is clear that except for the Appellant's motherhood and the SCN issued by Respondent No. 1, she would be entitled to participate in the Selection Trials. Therefore, the circumstances were beyond her control and while the legality of the Policy, the Circular and the outcome of the SCN is examined by the learned Single Judge, it is deemed appropriate to protect the interest of the Appellant by permitting her to participate in the Selection Trials.

41. In view of the above analysis, the present Appeal is disposed of with the following directions:

- i. The Appellant shall be permitted to participate in the Selection Trials for Asian Games, 2026, which are scheduled for 30.05.2026 and 31.05.2026.



- ii. The Selection Trials shall be video-recorded by Respondent No. 1.
 - iii. Respondent No. 2 shall nominate two independent observers from Sports Authority of India and Indian Olympic Association, who shall observe the Selection Trials for Asian Games, 2026 and submit a Report before the learned Single Judge in the pending Writ Petition.
42. We clarify that we have not made any observations on merit and it is open for the Parties to raise all pleas available to them before the learned Single Judge in the pending Writ Petition, which shall be decided on its merit. Since observations made in this Order are confined to the limited issue, which has been dealt with herein above, the Writ Petition shall be decided without being influenced by these observations.
43. The present Appeal stands disposed of in terms of the aforesaid directions. Pending Application(s), if any, also stands disposed of.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

MAY 22, 2026

ap/sms/st