



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 22nd JULY, 2023

IN THE MATTER OF:

+ **W.P.(C) 9593/2023 & CM APPLs. 36686-87/2023**

SUJEET AND ANR

..... Petitioners

Through: Mr. Hrishikesh Baruah with Mr. Akshay Kumar, Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Chetan Sharma, ASG with Mr. Anil Soni, CGSC with Mr. Devvrat Yadav, GP, Mr. Amit Gupta, Mr. Saurabh Tripathi, Mr. Vinay Yadav and Mr. Ghanshyam Jha, Advocates for R-1/UoI.

Mr. Arnab Chaudhary, Sr. Advocate with Ms. Awantika Manohar, Mr. Anirudh Singh, Ms. Parul Dhurvey and Mr. Vikash Singh and Mr. Aniruddma M. Sethi, Advocates for R-2.

Mr. Tushar Giri, Mr. Sahil Bhalaiik and Mr. Siddharth Anil Khanna, Advocates for R-3 and R-4.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

1. *Vide* the present Writ Petition under Article 226 of the Constitution of India, the Petitioners seeks to challenge the decision taken by the Ad-hoc Committee of the Wrestling Federation of India (*hereinafter referred to as 'the WFI'*) selecting Respondents No.3 & 4 as wrestlers in 65 Kg (Freestyle) category and 53 Kg (Women Wrestling) category (*hereinafter referred to as 'the categories in question'*) respectively to represent India in the Asian



Games 2022 to be held in Hangzhou, China from 23.09.2023 to 08.10.2023. It is further stated that the Ad-hoc Committee of WFI has taken the decision that trials for the categories in question would be held and the selected wrestlers will be kept on stand-by. The Petitioners have prayed for a direction to the Respondents No.1 & 2 to conduct trials for the categories in question without any exemption to any wrestler. The Petitioners have also prayed for a direction to the Respondents No.1 & 2 to conduct the whole trial process in a fair manner under the supervision of WFI qualified referees.

2. It is stated that the Petitioners are professional wrestlers in their respective categories. Petitioner No.1 is in the weight category of 65 Kg (Freestyle) (Men) wrestling and Petitioner No.2 is in the weight category of 53 Kg (Women) wrestling and both the Petitioners have won several medals for the country in various world championships.

3. It is the contention of the Petitioners that they have been preparing and training for months with a hope of being selected to represent the country in the forthcoming Asian Games and that the decision of the Ad-hoc Committee of the WFI to select Respondents No.3 & 4 to represent the country in their respective categories without undergoing trials has shattered their hopes. It is further contended by the Petitioners that as per the WFI Regulations for Selection of Wrestlers for participation in the National Coaching Camps/International Competitions mandates that as a general rule, selection trials in all weight categories are mandatory. It is contended by the Petitioners that the decision to exempt Respondents No.3 & 4 from undergoing selection trials in their respective categories is arbitrary and unfair as the same is contrary to the WFI Regulations for Selection of



Wrestlers for participation in the National Coaching Camps/International Competitions.

4. Mr. Hrishikesh Baruah, learned Counsel appearing for the Petitioners, has taken this Court through the composition of the Selection Committee which comprises of the following members:

- i. Mr. Bhupender Singh Bajwa, Member-Ad-hoc Committee : Chairman
- ii. Ms. Suma Shirur, Member-Ad-hoc Committee [Dronacharya Awardee] : Member
- iii. Mr. Gian Singh, Technical Expert, Ad-hoc Committee [Dhyanchand Awardee] : Member
- iv. Mr. Ashok Garg, Technical Expert, Ad-hoc Committee [Arjuna Awardee] : Member
- v. Mr. Jagmender Singh, Chief Coach, FS [Arjuna & Dronacharya Awardee] : Member
- vi. Mr. Hargobind Singh, Chief Coach, GR : Member
- vii. Mrs. Alka Tomar [Arjuna Awardee] : Member

Mr. Baruah contends that the Chairman of the Selection Committee, i.e. Mr. Bhupender Singh Bajwa, and Ms. Suma Shirur, who is one of the Members of the Selection Committee, are not connected with the sport of wrestling. He further contends that Mr. Jagmender Singh, who is also a Member of the Selection Committee has sent an e-mail to the Petitioners stating that he was not asked for any recommendation to exempt any wrestler from undergoing selection trials nor has he made any such recommendation. Mr. Baruah has also drawn the attention of this Court to another e-mail dated 20.07.2023, sent by Mr. Virender Singh Dahiya, who is a National Women's Coach, stating that he was not a part of the decision taken regarding the exemption of two wrestlers from participating in the selection trials for Asian Games nor has he made any such recommendation. Mr. Baruah has also drawn the attention of this Court to certain newspaper cuttings to contend that Mr. Jagmender Singh and Mr. Virender Singh Dahiya have gone to the press and have stated that they are not aware of any such decision and they were not



consulted regarding any such recommendation to exempt any wrestler from undergoing selection trials nor have they made any such recommendation. Mr. Baruah has also drawn the attention of this Court to a letter dated 07.09.2022, issued by the WFI, enclosing the Minutes of Meeting of the General Council of the WFI which held on 25.08.2022. He draws the attention of this Court to the resolution taken in that said meeting that selection trials for all weight categories for all major competitions will be held and no exemption should be given to any wrestler. He, therefore, contends that there is no power to exempt any wrestler from undergoing trials before being selected to represent the country. He states that the power to exempt any wrestler from undergoing selection trials has been dispensed with and, therefore, the decision taken by the Ad-hoc Committee to exempt Respondents No.3 & 4 from undergoing trials for their selection in the categories in question and to select them directly to represent the country in the forthcoming Asian Games ought to be set aside. Mr. Baruah further contends that Respondents No.3 & 4 have not participated in any coaching camps organised by the WFI, rather they were part of the protest demonstration at Jantar Mantar. He further states that Respondents No.3 & 4 have only participated in events conducted in 2022 and their performance has not been evaluated in the year 2023 and, therefore, there is no justification in selecting them without any trial to represent the country in the forthcoming Asian Games. Mr. Baruah states that the Petitioners have also won laurels for the country and they have given their sweat and blood for the country and they cannot be over-looked. He states that the chance to participate in Asian Games comes only once in four years and if the Petitioners miss this opportunity their chance to participate in the next Asian



Games would only come after four years and it would be unfair in not giving them an opportunity to prove their mettle and represent the country.

5. *Per contra*, Mr. Arnab Chaudhary, learned Senior Counsel appearing for WFI, states that on 12.07.2023 a meeting of four members of the Ad-hoc Committee and two Chief Coaches of WFI was held at the office of WFI regarding selection of wrestlers for the forthcoming Asian Games. He states that the agenda of the said meeting was to discuss the selection policy of the WFI and in the said meeting a decision was taken that out of 18 weight categories, 2 weight categories, i.e. the categories in question, should be kept reserved for the elite athletes and all the six members unanimously agreed with the previous selection policy and two weight categories have been kept reserved for elite athletes in order to avoid any injuries to the best probables of the medals in the Asian Games and accordingly, Respondent No.3, who has won Bronze Medal in Tokyo Olympics, and Respondent No.4, who has won Silver Medal in World Championship, were considered for exemption from the selection trial on the basis of their performance in the Olympics and the World Championships respectively. He contends that apart from the categories in question, for all other categories selection trials are being held. He further contends that the so-called minutes of meeting dated 25.08.2022, enclosing letter dated 07.09.2022, are not available in the records of the WFI as available with the Ad-hoc Committee of WFI and they are disputed documents. This Court directed the Counsel for the WFI to file an affidavit to this effect and an affidavit has been filed on 21.07.2023. In the said affidavit it is stated that on 27.08.2022 also exemption was granted to Respondent No.3 herein, Shri Ravi Dahia and Shri Deepak Punia for participating in the World Wrestling Championship. Relevant portions of the said affidavit reads as under:



“4. That the Petitioner has vide an Additional Affidavit dated 20.07.2023 placed before this Hon'ble Court the Minutes of the Meeting of the General Council of WFI allegedly held on 25.08.2022 alongwith the cover letter 07.09.2022. However, neither the said Minutes of Meeting of the General Council dated 25.08.2022 nor the cover letter dated 07.09.2022 are on the records of the WFI as available with the Ad-hoc Committee of WFI.

5. That further while the date of the Minutes of the Meeting of the General Council of WFI is allegedly 25.08.2022, however, it is a matter of record that on 27.08.2022 exemption was granted to Shri Bajrang Punia, Shri Ravi Dahia and Shri Deepak Punia for World Wrestling Championship to be held from 10.09.2022 to 18.09.2022. Therefore, it belies all logic that if a decision was taken to not provide any exemption to any Wrestler, then on 27.08.2022 exemption would have been provided to the aforesaid wrestlers for the World Wrestling Championship to be held in September, 2022”

6. The present Writ Petition came up for hearing on 20.07.2023. The Respondents were directed to file their affidavits. Affidavits and Status Reports have been filed and the case was heard on 21.07.2023 and in view of the urgency, as stated by the learned Counsel for the Petitioner that the selection trials for the categories in question are scheduled to be held on 22.07.2023 and 23.07.2023, the matter was reserved for pronouncement on 22.07.2023.

7. Heard the Counsels for the parties and perused the material on record.

8. This Court is not going into the relative merits of the Petitioners and Respondents No.3 & 4. At the same time, it cannot be disputed that Respondents No.3 & 4 are world renowned athletes in the sport of wrestling.



9. Respondent No.3 who is in the World Top 10 ranking has won the following medals:

S.No.	Championship and Year	Medal
1.	World Championship (2022)	Bronze
2.	Tokyo Olympics (2021)	Bronze
3.	CWG (2022)	Gold
4.	Asian Wrestling Championship (2021)	Silver
5.	World Championship (2019)	Silver
6.	Asian Games (2018)	Gold
7.	World Championship (2018)	Silver
8.	Asian Games (2014)	Silver
9.	CWG (2014)	Silver

10. Similarly, Respondent No.4, who is also in the World Top 10 ranking has won the following medals:

S.No.	Championship and Year	Medal
1.	World Championship (2022)	Bronze
2.	CWG (2022)	Gold
3.	Asian Championship (2021)	Bronze
4.	World Championship (2019)	Bronze



5.	Asian Games (2018)	Gold
6.	CWG (2018)	Gold
7.	CWG (2014)	Gold
8.	Asian Games (2014)	Bronze
9.	Commonwealth Wrestling Championship (2013)	Silver
10.	Asian Wrestling Championship (2013)	Bronze

11. Regulation for Selection of Wrestles for participation in the National Coaching Camps/International Competitions reads as under:

“Regulation for Selection of Wrestles for participation in the National Coaching Camps/International Competitions

1. Training/Coaching Camps

As a general rule, wrestlers obtaining first fourth position (Gold, Silver & Bronze Medal winners) in the last National Wrestling Championship in the concerned style and age group will be included in the National Coaching Camp of the probables. In exceptional cases, the President, WFI may permit an international wrestler who has good track record but missed the last National Wrestling Championship for valid reasons to be admitted to the training camp for reasons to be recorded in writing. The Federation will also prepare a list of reserve wrestlers one in each weight category to be included in the training camp as a replacement in the event of a wrestler not reporting in the camp due to injury or some other reasons.



Reserve list of the wrestlers will include 5th position holders in the last National Wrestling Championship. Iconic players like Olympic / World Championship medal winners and last Asian Games Gold Medal winners may be included in the camp even if they miss the National Wrestling Championship.

2. Selection Committee

The Selection Committee of Wrestling Federation of India [WFI] will be chaired by the President, WFI and will include Secretary General, WFI, one Arjuna Awardee / Dronachayara Awardee, Chief Coach and Foreign Expert of the style concerned. The President, WFI may associate another member as Associate Member of the Selection Committee from the local area where the trials are being held.

3. Periodicity of Selection Trials

Selection Trial will be normally held once in 3-4 months when wrestlers will ranked No. 1 to 4 depending on the results of the trials. The Select Committee will recommend which wrestler will represent the country in which competition during the next 3-4 months keeping in view of the following considerations:

- Exposure necessary for potential medal winners at the next Olympic or Asian Games.*
- Creation of a bench strength while giving exposures to wrestlers ranked 2 or 3 so that replacement is possible in the event No. 1 wrestlers is unable to participate in view of injury or some other reasons.*
- It would also be necessary to ensure that the wrestlers in younger age group are given adequate exposure. The Selection Committee will decide which wrestler will participate in which competition*



and no wrestler can claim as a matter of right that he should represent the country in a particular competition.

- *Officiation at Selection Trial will be done by qualified International Referees In case there are close bouts where the Selection Committee is of the opinion that the victory has not been decisive enough, the Selection Committee will have the liberty to have another bout between the wrestler after prescribed rest and they take final decision considering the results of both the bouts.*
- *The bouts during Selection Trial will be videographed and UWW rules will be strictly followed.*
- *The circular regarding the trial will give all necessary information for the wrestlers and coaches so that these complete transparency.*

In addition to the above, the selection trials are mandatory for the following

major wrestling events:

Olympic Games: The participation in the Olympic Games is based on the qualification system. According to the UWW Rules, an Olympic berth is for the country concerned and not the wrestler who might have clinched it. It means quota belongs to the country and not to a particular wrestler who represented the country in the qualification events. Hence, the Selection Committee of WFI will have the discretion to hold a trial for participation in the Olympic Games. However, it will not be compulsory that all the quota earned Wrestlers will be asked to appear in trials. And if the trials are held, the quota winner will not appear in the initial trials in that particular category, rather he/she will compete with the winner of those trials. And



if the quota-winner loses the bout to the trials' winner, he/she will be given one more opportunity to keep the quota through a second bout against the same opponent.

*Asian Games: The Selection Trials in all weight categories are mandatory **however, the Selection Committee will have the discretion to select the iconic players like medallists of Olympic / World Championship without trials provide recommendation by Chief Coach/ Foreign Expert.***

Commonwealth Games: The Selection Trials in all weight categories mandatory. The selection of the wrestlers will be based on the fair selection trials.”
(emphasis supplied)

12. A perusal of Clause 2 & 3 of the said Regulations shows that Selection Trials are conducted keeping in view the exposure necessary for potential medal winners at the next Olympic or Asian Games, creation of a bench strength while giving exposures to wrestlers ranked 2 or 3 so that replacement is possible in the event the No. 1 wrestler is unable to participate in view of injury or some other reasons. The regulations also makes it clear that for the purpose of selection of Wrestlers for Asian Games, the Selection Committee has the discretion to select iconic players like medallists of Olympic/World Championship without trials provided there is a recommendation by Chief Coach. This discretion is not available for Olympic games and Commonwealth Games.

13. The Members who attended the meeting of the Committee on 12.07.2023 are as under:

- i. Mr. Bhupender Singh Bajwa, Member-Ad-hoc Committee
- ii. Ms. Suma Shirur, Member-Ad-hoc Committee [Dronacharya Awardee]



- iii. Mr. Gian Singh, Technical Expert, Ad-hoc Committee [Dhyanchand Awardee]
- iv. Mr. Ashok Garg, Technical Expert, Ad-hoc Committee [Arjuna Awardee]
- v. Mr. Jagmander Singh, Chief Coach, FS [Arjuna & Dronacharya Awardee]
- vi. Mr. Hargobind Singh, Chief Coach, GR

14. The unanimous decision taken by the Committee on 12.07.2023 not to expose Respondents No.3 & 4, who have been termed as elite athletes, to injuries during trials cannot be said to be arbitrary or perverse. It is nobody's case that Respondent No.3 & 4 are not well known in their respective categories. In fact, both the athletes are in the World Top 10 rankings and, therefore, the categorisation of these athletes as elite athletes also cannot be said to be perverse or arbitrary.

15. The short question which, therefore, arises for consideration is as to whether this Court should exercise its discretion under Article 226 of the Constitution of India and set aside the decision taken by the Ad-hoc Committee of the WFI in exempting Respondents No. 3 & 4 from undergoing selections trials for the forthcoming Asian Games or not.

16. The Status Report filed by the Respondent No.2 indicates that the Members of the Selection Committee includes imminent persons who are connected with the field of wrestling and have won Dhyanchand and Dronacharya Awards have taken a decision to exempt Respondents No.3 & 4 from selection trials for the categories in question and have selected them directly on the basis of their performance in the world wrestling events to represent the country in the forthcoming Asian Games. It is further stated in the Status Report that the Committee has also taken the unanimous decision to hold trials for the categories in question only to create a bench strength so that in case Respondents No.3 or 4 are not able to participate in their



respective categories due to any reason then the wrestlers from the bench can replace them, if it is permitted by the games authorities. In view of the Status Report and the affidavit filed by WFI this Court is not giving credence to the alleged e-mails and the newspaper cuttings relied on by the learned Counsel for the Petitioner. It is well settled that Courts cannot place reliance on newspaper cuttings and e-mails etc. which do not always portray the correct picture.

17. It is well settled that writ courts must not substitute their opinions to the opinions arrived at by the experts unless the court is satisfied that the decision taken by the experts is perverse or illegal. The function of the Court is only to see that the decision has been arrived at in a good faith and the experts have acted reasonably. It is not the function of the courts to sit in judgment over the decision arrived at by the experts, if the said decision has been taken in good faith and is not perverse, as it would be risky for the Courts to tread an unknown path while upsetting such decisions.

18. A co-ordinate Bench of this Court in Shumel v. Union of India and Ors., **2010 SCC OnLine Del 4706**, has observed as under:

“4. Having heard learned counsel for the parties, this Court is of the view that in matters of selecting the best possible candidate to represent India in an international competitive event, there cannot be any interference by this Court in the selection criteria set down by the concerned national sports federation. If the Petitioner has not been able to qualify in the top 10 wrestlers in the national championship held at the conclusion of a ten months long coaching camp and on that basis was excluded from participation in the next level of selection trials, that action cannot be held to be either arbitrary or unreasonable warranting interference by this Court.”



19. The said judgment has been quoted with approval in Sushil Kumar v. Union of India & Ors., **2016 SCC OnLine Del 3660**, wherein it was once again held that a writ court will not interfere in exercise of discretion of National Sports Federation and substitute its own judgment except where discretion is shown to have been exercised in an arbitrary or capricious or perverse manner or contrary to settled principles or practices. Relevant portion of the said judgment reads as under:

“41. Keeping in view the aforesaid, this Court is of the view that a writ Court will not interfere in the exercise of discretion of the National Sports Federation and substitute its own judgment except where the discretion is shown to have been exercised in an arbitrary or capricious or perverse manner or contrary to settled principles or practices.”

(emphasis supplied)

20. In a latest judgment in Swastika Ghosh v. Table Tennis Federation of India, **(2022) 4 HCC (Del) 213**, a co-ordinate bench of this Court, after considering various decisions of the Apex Court and this Court, has observed as under:

8. It is a settled proposition of law that issuance of a writ is a discretionary remedy and the court can refuse to exercise its jurisdiction even if the petitioner may have a claim in law. The scope of jurisdiction under Article 226 of the Constitution of India in a matter pertaining to conferring of Maulana Abul Kalam Azad Trophy was discussed by this Court in Punjabi University v. Union of India [Punjabi University v. Union of India, 2011 SCC OnLine Del 3496] and it was inter alia held as under :

“11. It is a settled principle of law that in exercise of powers under Article 226 of the Constitution of India, this Court can refuse to exercise jurisdiction even when the petitioner may have a



claim in law. The Supreme Court in Chandra Singh v. State of Rajasthan [Chandra Singh v. State of Rajasthan, (2003) 6 SCC 545 : 2003 SCC (L&S) 951] held that issuance of a writ is a discretionary remedy and that the High Court while exercising its extraordinary jurisdiction under Article 226 of the Constitution of India may not strike down an illegality although it would be lawful to do so and in a given case, may refuse to extend the benefit of discretionary relief to the applicant. It was so reiterated in ONGC Ltd. v. Sendhabhai Vastram Patel [ONGC Ltd. v. Sendhabhai Vastram Patel, (2005) 6 SCC 454] . Similarly, in Taherakhatoon v. Salambin Mohammad [Taherakhatoon v. Salambin Mohammad, (1999) 2 SCC 635] even at the time of the dealing with the appeal after grant of special leave, it was held that the court was not bound to go into the merits and even if entering into the merits and finding an error, was not bound to interfere if the justice of the case on facts does not require interference or if the relief could be moulded in a different fashion. This Court has echoed the same views in Filmistan Exhibitors Ltd. v. NCT of Delhi [Filmistan Exhibitors Ltd. v. NCT of Delhi, 2006 SCC OnLine Del 471 : (2006) 131 DLT 648] by holding that even if there is a violation of law, this Court is not bound to exercise discretionary jurisdiction and in Babu Ram Sagar v. Labour Court [Babu Ram Sagar v. Labour Court, 2006 SCC OnLine Del 1648] by refusing to interfere in exercise of discretionary powers in spite of holding the reasons given by the Labour Court to be not convincing.

9. This Court in Punjabi University case [Punjabi University v. Union of India, 2011 SCC OnLine Del 3496] also inter alia held that if the power of judicial



review were to be extended into matters such as these also, it would adversely affect the sports. I am in complete agreement with the finding of this Court that the court cannot appropriate to itself a position as that of a super umpire or a super referee or in the present case to the position of super selector.

10. It is a settled proposition that a mere mistake is not sufficient for this Court to exercise powers under Article 226. A writ can be issued only when there is something more than a mere error/mistake. The court in its writ jurisdiction can interfere only if its decision is illogical or suffers from procedural impropriety or shocks the conscience of the court in the sense that it is in defiance of logic or moral standards. The court cannot clothe itself with the power to make choice and should not substitute its decision over a decision of an Expert Committee. It may be reiterated that the scope of judicial review is limited to the deficiency in decision-making process and not the decision.

12. A perusal of the above order makes it clear that the Committee of Administrators was entrusted with all the powers and duties of functioning of the Federation. The Committee of Administrators has minutely examined the claim of each of the sportsperson and passed a detailed order while finalising the list, which is under challenge. The power of judicial review in the matters relating to sports can be exercised only if there is an allegation of bad faith. In such matters, the courts should give great credence to the decision of the Expert Committee and the coaches. If the courts starts interfering in the decision of such Committees it would have a drastic inhibiting effect on its functioning. The scope of power of judicial review was also laid down by the Supreme court in State of U.P. v. Johri Mal [State of U.P. v. Johri Mal, (2004) 4 SCC 714] wherein it was held that the scope



and extent of power of the judicial review of the High Court contained in Article 226 of the Constitution of India would vary from case to case, the nature of the order, the relevant statute as also the other relevant factors including the nature of power exercised by the public authorities, namely, whether the power is statutory, quasi-judicial or administrative. It was held that the power of judicial review is not intended to assume a supervisory role or don the robes of omnipresent or to review governance under the rule of law or to enable the courts to step into the areas exclusively reserved by the suprema lex to the other organs of the State. It was expressly observed that an order passed by an administrative authority exercising discretion vested in it, cannot be interfered in judicial review unless it is shown that exercise of discretion itself is perverse or illegal.

13. *This Court in Shumel v. Union of India [Shumel v. Union of India, 2010 SCC OnLine Del 4706] has also inter alia held as under :*

13. ... How the relative merits of the different candidates should be evaluated is not a matter for this Court to decide. That is best left to the experts in a particular field of sport. Irrespective of what may have been the past performance of a sportsperson, the current consistent form of such sportsperson should be critical in such decision-making given the objective of ensuring that the best performing candidate should represent India at the CWG, 2010. On an overall conspectus of what has transpired, this Court is not able to conclude that the exclusion of the petitioner from the selection trials for the 72 kg class women's wrestling for the CWG, 2010 which is to take place on 7-8-2010 and 8-8-2010 is either arbitrary or unreasonable.



14. In Sushil Kumar v. Union of India [Sushil Kumar v. Union of India, 2016 SCC OnLine Del 3660] , this Court inter alia held that a writ court will not interfere in exercise of discretion of the National Sports Federation and substitute its own judgment except where discretion is shown to have been exercised in an arbitrary or capricious or perverse manner or is contrary to settled principles of practices. The court inter alia held that the decision, who should represent India in a sporting event is best left to the experts i.e. the National Sports Federation concerned. The judgment in Sushil Kumar case [Sushil Kumar v. Union of India, 2016 SCC OnLine Del 3660] was also followed by this Court in Karamjyoti v. Union of India [Karamjyoti v. Union of India, 2016 SCC OnLine Del 6766] whereby it was inter alia held as under :

42. I am in complete agreement with the view taken in Sushil Kumar case [Sushil Kumar v. Union of India, 2016 SCC OnLine Del 3660] that the decision, who should represent India in a sporting event, is best left to the experts. In the matters of selecting the best possible candidate to represent India in an international competitive event, there cannot be any interference by this Court in the selection criteria set down by the National Sports Federation concerned and also as to how the relative merits of the different candidates is to be evaluated, which is for the experts to decide and not this Court.

15. In Paralympic Committee of India v. Naresh Kumar Sharma [Paralympic Committee of India v. Naresh Kumar Sharma, 2018 SCC OnLine Del 8443] this Court has inter alia held as under :

11. The purpose of preparing the above tabular chart is to ascertain whether the Committee's process of selection is manifestly or prima facie arbitrary. This Court recollects the compass that



it has to apply in such matters. It is beyond dispute that in matters of policy decisions, the court should be circumspect in interfering and must exercise its power of judicial review only to prevent manifest arbitrary or mala fide action. Beyond this narrow scope of enquiry, courts do not possess the ability or the wherewithal to “second-guess” policy decisions made by specialised bodies tasked with that purpose. Specifically, in the context of selection of athletes for sporting events, this Court in previous decisions such as Karamjyoti v. Union of India [Karamjyoti v. Union of India, 2016 SCC OnLine Del 6766] and Shumel v. Union of India [Shumel v. Union of India, 2010 SCC OnLine Del 4706] , has held that a writ court will not interfere in the exercise of discretion of the National Sports Federation except where the discretion is shown to have been exercised in an arbitrary or capricious or perverse manner or contrary to the settled principles or practices. What then is the task before this Court, is to ascertain whether on a broad, prima facie view, without getting into the intricacies of the policy decision, there is manifest arbitrariness or mala fides in the decision-making of the Committee.

13. The court must resist adopting a one-size-fits-all approach. In other words, any one single performance at one competition or trial cannot be used as a barometer to make the decision of whether to select an athlete. In sports, as the impugned order also notes, same players perform differently on different occasions and a number of factors influence an athlete's performance. Therefore, the petitioner's performance at the court ordered trial cannot, by and of itself, be considered sufficient to warrant his selection for particular events. The Committee has to take a broader view and analyse the performances of the



athletes/sportspersons over different competitions and trials. As such therefore, the court does not find any infirmity with the reasoning of the Committee, insofar as all events other than R-7 are concerned (to which we will turn subsequently).

14. This Court is conscious that the Committee has to consider a wide variety of other factors, including logistical and practical considerations, in selecting athletes. For instance, age is a pertinent consideration; in order to promote budding talent and to ensure that through exposure over periods of time athletes become better prepared and in turn are likelier to win medals for the country, the Committee has found it necessary to give younger athletes a chance over some older athletes. This could for example explain preferring Avani, who is 16 years old, over the petitioner for event R-6 for the 2018 Al Ain Championship, even though the petitioner had a higher score than her in the 61st NSC in the said event. However, in the 2018 Al Ain Championship, Avani's score was higher than all the other athletes (even when compared to the petitioner's performance in the court ordered trial), and that too by a significant margin, thereby in some ways justifying the Committee's decision to send her over the petitioner.

16. Though the jurisdiction of the court under Article 226 of the Constitution of India is very wide but it has to be used with circumspection. The names in the present case have been finalised by the Committee of Administrators appointed by this Court in Manika Batra v. Table Tennis Federation of India [Manika Batra v. Table Tennis Federation of India, 2021 SCC OnLine Del 4479] vide judgment dated 11-2-2022. Learned counsel for the petitioners have taken this Court through the findings of the Committee of



*Administrators. A bare perusal of the findings of the Committee of Administrators makes it clear that the Committee has threadbare examined the entire issue and then after taking into account all aspects finalised the names to be sent for participating in the Commonwealth Games. **The court in the present jurisdiction cannot substitute its own view with the view arrived into by the Committee of Administrators and the Selection Committee. The courts do not have any expertise to get into the selection and finalisation of players for participation at the international level. This Court is conscious of the fact that any such findings can be interfered with only if there is any perversity or arbitrariness in the findings arrived into by the Federation concerned.** However, I do not find any such arbitrariness or perversity in the such order and furthermore, Mr Moazzam Khan, learned counsel for Respondent 1 has stated at bar that the names have already been finalised and sent to the Indian Olympic Association.*

17. The court has to take into account that the Selection Committee/Expert Committee has to take account numerous factors while taking decision of selecting sportsperson to represent the country. This exercise cannot be as simple as comparing scores based on individual performances. In the present case also Committee of Administrator has weighed different factors and therefore, this Court finds itself unable to interfere in exercise of its power of judicial review. This Court also finds complete absence of any arbitrariness or mala fide in the decision arrived at by the Committee of Administrators.

18. To represent a nation and to participate, perform and excel in the arena of international sports, a player must not only possess physical but great mental and emotional strength and agility. It is thus pivotal that there should be no uncertainty in the minds of the



players. Such litigations may disrupt and impact the preparation and performance of the players.”

(emphasis supplied)

21. In view of the settled law, the Ad-hoc Committee of the WFI, which comprises of experts in the field of wrestling, have unanimously decided that Respondents No.3 & 4, who are elite athletes, should be exempted from selection trials in order to prevent them from suffering any injury in the selection process. This decision has been taken looking at the performances of Respondents No.3 & 4 in the world wrestling events. It is stated in the Status Report that the last date for sending final entries of the Wrestling Squad for the upcoming Asian Games, as fixed by the Olympic Council of Asia, is 23.07.2023 and the selection trials for the categories in question will be conducted on 22.07.2023 & 23.07.2023. Unlike other sports, there is a greater risk of injury being caused to the players during trials in sports like wrestling and boxing. The Asian Games are to begin in about two months' time and in case injury is caused to the elite athletes, who are medal probables, the time for recovery is extremely low and, therefore, the decision taken by the Committee to exempt Respondents No.3 & 4 from selection trials in order to ensure that they are not to exposed to injuries during trials cannot be said to be arbitrary or capricious or perverse.

22. The WFI has filed an affidavit dated 21.07.2023 categorically stating that the Minutes of Meeting dated 25.08.2022 along with the cover letter dated 07.09.2022 are not available in the records of the WFI as available with the Ad-hoc Committee of WFI and Mr. Chaudhary submits that the documents are disputed documents. It has also been stated in the said affidavit that on 27.08.2022, i.e. exactly after two days of the alleged decision of the General Council of WFI, exemption from selection trials was



granted to three wrestlers including the Respondent No.3 herein for participating in World Wrestling Championship. The veracity of Minutes of Meeting dated 25.08.2022 along with the cover letter dated 07.09.2022 cannot be ascertained by this Court at this juncture and, therefore, the same are not being considered by this Court. It is well settled that disputed documents can only be proved in a suit by leading oral/documentary evidence.

23. This Court is not commenting upon the merits of the Petitioners herein who have also excelled in the field of wrestling but this Court is not inclined to sit in appeal over the decision taken by the Committee as the same cannot be said to be arbitrary or perverse. As stated in the affidavit filed by the WFI, a similar decision was taken 27.08.2022 also wherein exemption was granted to Respondent No.3 from undergoing selection trials for his participation in the World Wrestling Championship and he came back with a medal for the country. It is neither the contention of the Petitioners nor can it be said that the WFI has acted against the interest of the country or that the decision has been taken because of certain extraneous circumstances or in order to favour anyone.

24. In view of the above, this Court is not inclined to entertain the Writ Petition. The petition is dismissed. Pending applications, if any, also stand dismissed.

SUBRAMONIUM PRASAD, J

JULY 22, 2023
Rahul