

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3723 of 2025

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1. Bijay Kumar Son of Ram Prakash Mahto, Resident of village- Nawada, P.S- Phulwarisharif, District- Patna.
 2. Chandani Kumari, D/o- Rohit Kumar, Resident of village- Nawada, P.S- Phulwarisharif, District- Patna.
 3. Vivek Bhardwaj, Son of Gaya Shanker Dubey, Resident of Mohalla- Ward no. 40, Nai Sarak, Panch Mohalla, P.S- Vishnupad, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Home Department, Bihar, Patna.
4. The Director General, Bihar State Sports Authority, Patna.
5. The Under Secretary, General Administration Department, Government of Bihar, Patna.
6. The Deputy Secretary, General Administration Department, Government of Bihar, Patna.
7. The Union of India through Secretary, Ministry of Youth Affairs and Sports, Government of India, New Delhi.
8. The Under Secretary, Ministry of Youth Affairs and Sports, Department of Sports, Hall No. 103, Jawaharlal Nehru Stadium, Lodhi Road, New Delhi.
9. The JU-JITSU Association of India, through its General Secretary having its office of DEEP-GIRI2-361/1, Tulsi Nagar, Polysheet, Kathgodam, Nainital, 263126, Uttarakhand, India.
10. The JU-JITSU Association, through its President, having its office of DEEP-GIRI 2-361/1, Tulsi Nagar, Polysheet, Kathgodam, Nainital, 263126, Uttarakhand India.
11. The JU-JITSU Association of India, through its the Secretary, having its office of DEEP-GIRI 2-361/1, Tulsi Nagar, Polysheet, Kathgodam, Nainital, 263126, Uttarakhand India.

... .. Respondent/s

Appearance :

- For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Rakesh Kumar Sharma, Advocate
- For the Union of India : Mr. Krishna Nandan Singh, Sr. Advocate
- For the State : Mr. Jitendra Kumar Roy, SC-13
Mr. U. K. Singh, AC to SC-13
Mr. Shivaditya Dhari Sinha, Advocate
- For the Respondent Nos. 9 to 11: Mr. Manmeet Singh Gulati, Advocate
Mr. Harishikesh, Advocate
Mr. Chandramauli Kumar, Advocate



CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
CAV JUDGMENT

Date: 19-02-2026

1. This writ petition, filed under Article 226 of the Constitution of India, presents a poignant intersection of administrative discretion, sports governance, and constitutional rights. The petitioners, three dedicated Ju-Jitsu athletes: Bijay Kumar, Chandani Kumari, and Vivek Bhardwaj, seek to quash the impugned memo no. 1397, dated 23.01.2025 issued by the Under Secretary, General Administration Department (respondent no. 5), which upheld the Bihar State Sports Authority's (BSSA) enquiry report, dated 28.02.2024. This report, in turn, affirmed the cancellation of their recommendations for direct appointment as Sub-Inspectors in the Bihar Police under the Bihar Outstanding Sports Persons Direct Appointment Rules, 2023 (hereinafter referred to as "the 2023 Rules" for short). Additionally, the petitioners challenge memo no. 6732, dated 30.04.2024, which initially cancelled their candidatures, and pray for directions commanding the respondents to appoint them based on certificates issued by the Ju-Jitsu Association of India (JAI, Respondent Nos. 9 to 11), to accept supporting documents verified through the National Sports Portal, and to



furnish the enquiry report as mandated by this Court's earlier order, dated 30.07.2024 passed in CWJC No. 8484/2024. They also invoke broader reliefs under the law, framing their grievance as a violation of natural justice, arbitrariness, and constitutional guarantees under Articles 14, 16, and 21 of the Constitution of India.

2. To fully appreciate the substantive merits of this case, it is essential to delve into the factual backdrop, which reveals a narrative of initial promise thwarted by layers of administrative scrutiny and institutional lapses. The petitioners are graduates and accomplished players in Ju-Jitsu, a martial art recognized in Asian Games but still emerging in the global Olympic ecosystem. They assert participation and medal wins - silver for Bijay Kumar and Chandani Kumari, gold for Vivek Bhardwaj, at the Senior National Ju-Jitsu Championship held in Devas, Madhya Pradesh, from March 2022 to 2023, organized under the auspices of JAI. Buoyed by the 2023 Rules, which were notified on 02.03.2023 to reward outstanding sports-persons with government jobs, the petitioners applied through the General Administration Department's (GAD) portal, submitting certificates from JAI attesting to their achievements.



3. Their applications progressed smoothly at first. They featured prominently in the provisional merit list dated 04.10.2023 and the final merit list, dated 02.11.2023, securing serial numbers 1, 2, and 3 under the Ju-Jitsu category. This led to formal recommendations for appointment via memo no. 22720, dated 14.12.2023, and even preparatory instructions for medical and physical verification on 11.01.2024. Adding to their legitimate expectations, the petitioners were felicitated by the BSSA (respondent no. 4) on National Sports Day, 29.08.2023, with certificates and cash prizes following what they describe as thorough verification. However, storm clouds gathered when JAI issued conflicting reports. An initial email on 05.01.2024 denying the petitioners' participation based on a volunteer's telephonic input, followed by rectifications on 20.01.2024 and 10.02.2024 affirming their medals.

4. These inconsistencies prompted the cancellation of recommendations on 30.04.2024, citing unreliable documentation. Aggrieved, the petitioners approached this Court in CWJC No. 8484/2024, resulting in a directive for the Ministry of Youth Affairs and Sports (MYAS, Respondent Nos. 7 and 8) to conduct an impartial enquiry, gathering inputs from all stakeholders and making the report available to



interested parties. The ensuing enquiry, detailed in the report, dated 30.10.2024, uncovered profound irregularities in the championship's organization: absence of athlete IDs, fragmented record-keeping across locations, unsigned notifications and score sheets, lack of official videography or photography, casual communications via WhatsApp and Facebook without formal cut-off dates or minimum participant rules, and a glaring conflict of interest in JAI's internal enquiry committee, whose members were directly involved in the event as referees or organizers. Critically, JAI's national recognition, granted in 2021 and renewed for 2022, lapsed for 2023 due to non-compliance with the NSF Portal requirements, and no registered Bihar Ju-Jitsu Association existed until August 2023, post the March event, raising questions about the petitioners' state representation.

5. The petitioners contend that these findings are perfunctory, ignoring their submitted evidence like train tickets, personal mobile videos and photos, and portal uploads, while unfairly penalizing them for organizers' resource limitations. They argue that videography is not mandatory and that the enquiry breached natural justice by withholding the report and issuing no show-cause notices,



rendering the process arbitrary and discriminatory in violation of constitutional mandates. The respondents, through their counter-affidavit, robustly defend the enquiry as diligent and compliant, emphasizing ample opportunities afforded to all parties, including multiple hearings for JAI and virtual sessions for the petitioners, and clarifying that the “National Sports Portal” is a misnomer, with the NSF Portal serving only administrative purposes unrelated to medal authentication.

6. At the heart of this dispute lies the interpretation and application of the 2023 Rules, which must be examined substantively to resolve whether the petitioners’ claimed achievements qualify them for the benefits envisioned therein. Notified under the proviso to Article 309 of the Constitution, these Rules represent a progressive policy to harness sports talent for public service in Bihar. Rule 1 delineates the framework’s scope, extending to the whole of Bihar and commencing upon gazette publication, underscoring its intent as a statewide incentive mechanism.

7. Rule 2 provides critical definitions that shape eligibility. Notably, sub-rule (v) defines an “outstanding sportsperson” as a native of Bihar who has either won a medal



or participated in international competitions on India's behalf, or won a medal in national competitions while representing any state. This definition is not isolated. It implicitly draws from the broader ecosystem of sports governance in India, where "national competitions" derive legitimacy from events organized by National Sports Federations (NSFs) recognized by the MYAS under the National Sports Development Code of India, 2011 (hereinafter referred as the "Code" for short). The Code, a comprehensive guideline for NSF operations, mandates transparency, accountability, and adherence to international standards, ensuring that championships are not mere ad-hoc gatherings but structured platforms of national stature. In the absence of explicit stipulation in the 2023 Rules, this Court must interpret "national competitions" purposively, aligning with the legislative intent to reward verifiable, high-calibre achievements rather than dubious or irregularly conducted events.

8. Rule 3 further elaborates qualifications, requiring, inter alia, minimum achievements calibrated to pay levels. For the Sub-Inspector post (Pay Band-II Grade Pay 4200, Level 6), candidates must secure gold or silver in National Games or Senior National Championships, or participate in prestigious



international fora like the Asian or Commonwealth Games. This tiered structure reflects a deliberate emphasis on competitions of undisputed national recognition, where the organizing body's credibility is paramount. As the Delhi High Court observed in *Rahul Mehra v. Union of India*, reported in *2022 SCC OnLine Del 2438*, NSF recognition is not a mere formality but a cornerstone of legitimacy. The relevant paragraph of the aforesaid judgement is as hereunder:

“102. As has been discussed hereinabove, the legal regime apropos sports administration in India has to be implemented fully and effectively. Compliance with the Sports Code is non-negotiable. If a sports federation does not comply with the law of the land, it will receive no recognition from the Government. All benefits and facilities to it will stop promptly. It is better that a legitimate body represents the cause of sportspersons than one simply masquerading as the real champion of Indian sports. Fairness and legitimacy needs to imbue all public affairs. Recalcitrant entities which defy adherence to rules of the game, while continuing to unjustly enjoy government's largesse and patronage, must be called-



out.

103. Governmental monitoring of compliance is expected to be prompt, robust and meticulous at all times. Annual compliances are mandatory for continued recognition. What is the compliance status of the NSFs currently, is not on record. The perceived non-monitoring or selective monitoring or permissive monitoring by the authorities gives cause to citizens to seek judicial review of the same. This needs to be remedied.”

9. In the present case, JAI’s recognition, while valid through 2022, was not renewed for 2023 due to failures in submitting requisite data on the NSF Portal: a digital platform introduced by MYAS in 2023 for annual compliance and renewal. This lapse cannot be excused as a mere administrative oversight. Federations bear an inescapable responsibility to maintain recognition, as it underpins the authenticity of their events. The enquiry report substantively documents how this non-renewal compounded irregularities. The championship lacked centralized records, formal athlete registrations, minimum participant thresholds, and even basic safeguards like signed score sheets or official documentation. For instance, in Vivek Bhardwaj’s +94 kg category, only three



of five entrants competed, with inconsistencies in entry forms (e.g., absent names like Vikas Kumar from Haryana appearing in waivers but not team lists), rendering the event's "national" character doubtful.

10. When such doubts arise regarding an NSF's recognition or the event's integrity, athletes cannot derive benefits under schemes like the 2023 Rules. This principle safeguards public resources from potential fraud or mismanagement, as seen in analogous cases involving sports quotas. In **Rahul Mehra (supra)**, Delhi High Court upheld the government's suspension of the Indian Olympic Association for non-compliance with the Sports Code, holding as hereunder:

"114. Consequently, this Court is of the view that the Sports Code must be made applicable to every constituent of every NSF, including IOA as well as its constituents. This is conceded by Union of India in its affidavit dated 3rd October, 2012, wherein it is stated, "In response to para 17 it is submitted that the Government Guidelines of 1st May, 2010 are binding on the National Sports Federations recognized by this Ministry. Be that as it may, as a matter of Basic



Principles of Good governance and International Best Practices including restrictions on age and tenure as mandated in the Olympic Charter, what is good for the parent NSF's including IOA should also be good for their Members State/District Level Federations and/or Associations.” Accordingly, respondent No. 1/Union of India is directed not to grant recognition or any facility (monetary or otherwise) to the IOA or to any NSF and/or any of its affiliated Associations, if they refuse to comply with the Sports Code as directed by this Court.”

11. Here, JAI’s casual approach by relying on WhatsApp for notifications, Facebook for invitations, and telephonic verification exemplifies a departure from professional standards, further exacerbated by the conflict of interest in its internal enquiry committee. Members like Pawan Sirohi and Siraj Ahmed, who served as mat in-charges during the event, investigated the very participation they oversaw, violating the bias test laid down in the case of ***A. K. Kraipak v. Union of India***, reported in ***(1969) 2 SCC 262***. The relevant paragraphs of the said judgement is quoted hereinbelow:



“15. It is unfortunate that Naqishbund was appointed as one of the members of the selection board. It is true that ordinarily the Chief Conservator of Forests in a State should be considered as the most appropriate person to be in the selection board. He must be expected to know his officers thoroughly, their weaknesses as well as their strengths. His opinion as regards their suitability for selection to the All-India Service is entitled to great weight. But then under the circumstances it was improper to have included Naqishbund as a member of the selection board. He was one of the persons to be considered for selection. It is against all canons of justice to make a man judge in his own cause. It is true that he did not participate in the deliberations of the committee when his name was considered. But then the very fact that he was a member of the selection board must have had its own impact on the decision of the selection board. Further admittedly he participated in the deliberations of the selection board when the claims of his rivals particularly that of Basu was considered. He was also party to the preparation of the list of selected candidates in order of preference. At



every stage of his participation in the deliberations of the selection board there was a conflict between his interest and duty. Under those circumstances it is difficult to believe that he could have been impartial. The real question is not whether he was biased. It is difficult to prove the state of mind of a person. Therefore what we have to see is whether there is reasonable ground for believing that he was likely to have been biased. We agree with the learned Attorney General that a mere suspicion of bias is not sufficient. There must be a reasonable likelihood of bias. In deciding the question of bias we have to take into consideration human probabilities and ordinary course of human conduct. It was in the interest of Naqishbund to keep out his rivals in order to secure his position from further challenge. Naturally he was also interested in safeguarding his position while preparing the list of selected candidates.”

12. The absence of a pre-event Bihar affiliation adds another layer. Rule 2(v) requires representation of “any of the state,” implying affiliation through a recognized state body. The Bihar Ju-Jitsu Association’s registration in August 2023,



months after the March championship undermines this, suggesting the petitioners' participation lacked formal state sanction.

13. Turning to procedural fairness, the petitioners' allegation of natural justice violations merits close scrutiny. They decry the enquiry as perfunctory, pointing to non-supply of the report and absence of show-cause notices, contravening this Court's directive in CWJC No. 8484/2024. However, the counter-affidavit substantively rebuts this by chronicling a meticulous process. JAI was granted extensions and multiple hearings on 07.10.2024 and 15.10.2024, culminating in written statements; the petitioners participated virtually on 23.10.2024, submitting evidence like personal videos; and BSSA was solicited for inputs, albeit without response. The report was furnished to BSSA, as MYAS is not directly involved in recruitment, aligning with its letters dated 13.11.2024 and 19.11.2024. This constitutes substantial compliance with *audi alteram partem*, as enunciated in the case of ***Maneka Gandhi v. Union of India***, reported in (1978) 1 SCC 248, that natural justice is a flexible concept. What matters is a reasonable opportunity to present one's case, not rigid formalities. The relevant paragraph is reproduced



hereinbelow:

“14. Now, as already pointed out, the doctrine of natural justice consists principally of two rules, namely, nemo debet esse iudex in propria causa: no one shall be a judge in his own cause, and audi alteram partem: no decision shall be given against a party without affording him a reasonable hearing. We are concerned here with the second rule and hence we shall confine ourselves only to a discussion of that rule. The learned Attorney-General, appearing on behalf of the Union of India, fairly conceded that the audi alteram partem rule is a highly effective tool devised by the courts to enable a statutory authority to arrive at a just decision and it is calculated to act as a healthy check on abuse or misuse of power and hence its reach should not be narrowed and its applicability circumscribed. He rightly did not plead for reconsideration of the historic advances made in the law as a result of the decisions of this Court and did not suggest that the Court should retrace its steps. That would indeed have been a most startling argument coming from the Government of India and for the Court to



accede to such an argument would have been an act of utter retrogression. But fortunately no such argument was advanced by the learned Attorney-General. What he urged was a very limited contention, namely, that having regard to the nature of the action involved in the impounding of a passport, the audi alteram partem rule must be held to be excluded, because if notice were to be given to the holder of the passport and reasonable opportunity afforded to him to show cause why his passport should not be impounded, he might immediately, on the strength of the passport, make good his exit from the country and the object of impounding the passport would be frustrated. The argument was that if the audi alteram partem rule were applied, its effect would be to stultify the power of impounding the passport and it would defeat and paralyse the administration of the law and hence the audi alteram partem rule cannot in fairness be applied while exercising the power to impound a passport. This argument was sought to be supported by reference to the statement of the law in S.A. de Smith's Judicial Review of Administrative Action, 2nd Edn., where the learned author says at p. 174 that "in



administrative law a prima facie right to prior notice and opportunity to be heard may be held to be excluded by implication..... where an obligation to give notice and opportunity to be heard would obstruct the taking of prompt action, especially action of a preventive or remedial nature”. Now, it is true that since the right to prior notice and opportunity of hearing arises only by implication from the duty to act fairly, or to use the words of Lord Morris of Borthy-Gest, from “fair-play in action”, it may equally be excluded where, having regard to the nature of the action to be taken, its object and purpose and the scheme of the relevant statutory provision, fairness in action does not demand its implication and even warrants its exclusion. There are certain well recognised exceptions to the audi alteram partem rule established by judicial decisions and they are summarised by S.A. de Smith in Judicial Review of Administrative Action, 2nd Edn., p. 168 to 179. If we analyse these exceptions a little closely, it will be apparent that they do not in any way militate against the principle which requires fair-play in administrative action. The word “exception” is really a



misnomer because in these exclusionary cases, the audi alteram partem rule is held inapplicable not by way of an exception to “fair-play in action”, but because nothing unfair can be inferred by not affording an opportunity to present or meet a case. The audi alteram partem rule is intended to inject justice into the law and it cannot be applied to defeat the ends of justice, or to make the law “lifeless, absurd, stultifying, self-defeating or plainly contrary to the common sense of the situation”. Since the life of the law is not logic but experience and every legal proposition must, in the ultimate analysis, be tested on the touchstone of pragmatic realism, the audi alteram partem rule would, by the experiential test, be excluded, if importing the right to be heard has the effect of paralysing the administrative process or the need for promptitude or the urgency of the situation so demands. But at the same time it must be remembered that this is a rule of vital importance in the field of administrative law and it must not be jettisoned save in very exceptional circumstances where compulsive necessity so demands. It is a wholesome rule designed to secure the rule of law



and the court should not be too ready to eschew it in its application to a given case. True it is that in questions of this kind a fanatical or doctrinaire approach should be avoided, but that does not mean that merely because the traditional methodology of a formalised hearing may have the effect of stultifying the exercise of the statutory power, the audi alteram partem should be wholly excluded. The court must make every effort to salvage this cardinal rule to the maximum extent permissible in a given case. It must not be forgotten that “natural justice is pragmatically flexible and is amenable to capsulation under the compulsive pressure of circumstances”. The audi alteram partem rule is not cast in a rigid mould and judicial decisions establish that it may suffer situational modifications. The core of it must, however, remain, namely, that the person affected must have a reasonable opportunity of being heard and the hearing must be a genuine hearing and not an empty public relations exercise. That is why Tucker, L.J., emphasised in Russel v. Duke of Norfolk [(1949) 1 All ER 109] that “whatever standard of natural justice is adopted, one essential is



that the person concerned should have a reasonable opportunity of presenting his case". What opportunity may be regarded as reasonable would necessarily depend on the practical necessities of the situation. It may be a sophisticated full-fledged hearing or it may be a hearing which is very brief and minimal : it may be a hearing prior to the decision or it may even be a post-decisional remedial hearing. The audi alteram partem rule is sufficiently flexible to permit modifications and variations to suit the exigencies of myriad kinds of situations which may arise. This circumstantial flexibility of the audi alteram partem rule was emphasised by Lord Reid in Wiseman v. Borneman [1971 AC 297 : (1969) 3 All ER 275] when he said that he would be "sorry to see this fundamental general principle degenerate into a series of hard and fast rules" and Lord Hailsham, L.C., also observed in Pearlberg v. Varty [(1971) 1 Weekly Law Reports 728] that the courts "have taken in increasingly sophisticated view of what is required in individual cases". It would not, therefore, be right to conclude that the audi alteram partem rule is excluded merely because the power to impound a passport might



be frustrated, if prior notice and hearing were to be given to the person concerned before impounding his passport. The Passport Authority may proceed to impound the passport without giving any prior opportunity to the person concerned to be heard, but as soon as the order impounding the passport is made, an opportunity of hearing, remedial in aim, should be given to him so that he may present his case and controvert that of the Passport Authority and point out why his passport should not be impounded and the order impounding it recalled. This should not only be possible but also quite appropriate, because the reasons for impounding the passport are required to be supplied by the Passport Authority after the making of the order and the person affected would, therefore, be in a position to make a representation setting forth his case and plead for setting aside the action impounding his passport. A fair opportunity of being heard following immediately upon the order impounding the passport would satisfy the mandate of natural justice and a provision requiring giving of such opportunity to the person concerned can and should be read by implication in the Passports Act, 1967. If



such a provision were held to be incorporated in the Passports Act, 1967 by necessary implication, as we hold it must be, the procedure prescribed by the Act for impounding a passport would be right, fair and just and it would not suffer from the vice of arbitrariness or unreasonableness. We must, therefore, hold that the procedure “established” by the Passports Act, 1967 for impounding a passport is in conformity with the requirement of Article 21 and does not fall foul of that article.”

14. While non-direct supply of the report to petitioners raises a nuance, potentially breaching transparency, their awareness of adverse materials from prior cancellations mitigates this. No *mala fides* are evident, distinguishing this from cases like *Union of India v. Mohd. Ramzan Khan*, reported in *(1991) 1 SCC 588*, where wholesale non-disclosure led to quashing. The relevant paragraph of the judgment is reproduced hereinbelow:

“15. Deletion of the second opportunity from the scheme of Article 311(2) of the Constitution has nothing to do with providing of a copy of the report to the delinquent in the matter of making his representation. Even though the



second stage of the inquiry in Article 311(2) has been abolished by amendment, the delinquent is still entitled to represent against the conclusion of the Inquiry Officer holding that the charges or some of the charges are established and holding the delinquent guilty of such charges. For doing away with the effect of the enquiry report or to meet the recommendations of the Inquiry Officer in the matter of imposition of punishment, furnishing a copy of the report becomes necessary and to have the proceeding completed by using some material behind the back of the delinquent is a position not countenanced by fair procedure. While by law application of natural justice could be totally ruled out or truncated, nothing has been done here which could be taken as keeping natural justice out of the proceedings and the series of pronouncements of this Court making rules of natural justice applicable to such an inquiry are not affected by the Forty-second Amendment. We, therefore, come to the conclusion that supply of a copy of the inquiry report along with recommendation, if any, in the matter of proposed punishment to be inflicted would be within the rules of natural



justice and the delinquent would, therefore, be entitled to the supply of a copy thereof. The Forty-second Amendment has not brought about any change in this position.”

15. Constitutionally, the impugned actions withstand scrutiny under Articles 14, 16, and 21. Article 14 demands non-arbitrariness, and here the respondents’ classification: distinguishing verified achievements from those mired in doubt, is founded on an intelligible differentia with a rational nexus to the 2023 Rules’ objective of rewarding genuine excellence. In the landmark decision in ***E. P. Royappa v. State of Tamil Nadu***, reported in (1974) 4 SCC 3, the Hon’ble Supreme Court authoritatively held that equality and arbitrariness are sworn enemies; one belongs to the rule of law in a republic while the other, to the whim and caprice of an absolute monarch. Article 14 strikes at arbitrariness in State action and ensures fairness and equality of treatment. The quoted paragraph of the judgment where the law is attributed is as hereunder:

“85. The last two grounds of challenge may be taken up together for consideration. Though we have formulated the third ground of challenge as a distinct and separate ground, it is



really in substance and effect merely an aspect of the second ground based on violation of Articles 14 and 16. Article 16 embodies the fundamental guarantee that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. Though enacted as a distinct and independent fundamental right because of its great importance as a principle ensuring equality of opportunity in public employment which is so vital to the building up of the new classless egalitarian society envisaged in the Constitution, Article 16 is only an instance of the application of the concept of equality enshrined in Article 14. In other words, Article 14 is the genus while Article 16 is a species. Article 16 gives effect to the doctrine of equality in all matters relating to public employment. The basic principle which, therefore, informs both Articles 14 and 16 is equality and inhibition against discrimination. Now, what is the content and reach of this great equalising principle? It is a founding faith, to use the words of Bose. J., "a way of life", and it must not be subjected to a narrow pedantic or lexicographic approach. We



cannot countenance any attempt to truncate its all-embracing scope and meaning, for to do so would be to violate its activist magnitude. Equality is a dynamic concept with many aspects and dimensions and it cannot be “cribbed, cabined and confined” within traditional and doctrinaire limits. From a positivistic point of view, equality is antithetic to arbitrariness. In fact equality and arbitrariness are sworn enemies; one belongs to the rule of law in a republic while the other, to the whim and caprice of an absolute monarch. Where an act is arbitrary, it is implicit in it that it is unequal both according to political logic and constitutional law and is therefore violative of Article 14, and if it effects any matter relating to public employment, it is also violative of Article 16. Articles 14 and 16 strike at arbitrariness in State action and ensure fairness and equality of treatment. They require that State action must be based on valid relevant principles applicable alike to all similarly situate and it must not be guided by any extraneous or irrelevant considerations because that would be denial of equality. Where the operative reason for State action, as distinguished from motive



inducing from the antechamber of the mind, is not legitimate and relevant but is extraneous and outside the area of permissible considerations, it would amount to mala fide exercise of power and that is hit by Articles 14 and 16. Mala fide exercise of power and arbitrariness are different lethal radiations emanating from the same vice: in fact the latter comprehends the former. Both are inhibited by Articles 14 and 16.”

16. Under Article 16, the guarantee of equal employment opportunity is not infringed, as verification remains an essential filter, as in **Dayaram v. Sudhir Batham**, reported in **(2012) 1 SCC 333**, where certificate doubts justified exclusion without violating equality. The relevant portion of the quoted judgment is as follows:

“8. This Court in Madhuri Patil case also observed that as the aforesaid procedure by providing for a fair and just verification, could shorten the undue delay and also prevent the avoidable expenditure for the State on the education of the candidate admitted/appointed on false social status or further continuance therein, every State should endeavour to give effect to it and see that the constitutional objectives intended for the



benefit and advancement of the genuine Scheduled Castes/Scheduled Tribes are not defeated by unscrupulous persons.”

17. The doctrine of legitimate expectation, invoked by the petitioners from their merit list inclusions and preparatory directives, merits particular attention. This principle, as evolved in Indian law, protects reasonable reliance on official promises or practices but is not absolute. It yields to overriding public interest, such as preventing quota misuse through fraudulent or irregular claims. As articulated in *Navjyoti Coop. Group Housing Society v. Union of India*, reported in (1992) 4 SCC 477:

“15. It also appears to us that in any event the new policy decision as contained in the impugned memorandum of January 20, 1990 should not have been implemented without making such change in the existing criterion for allotment known to the Group Housing Societies if necessary by way of a public notice so that they might make proper representation to the concerned authorities for consideration of their viewpoints. Even assuming that in the absence of any explanation of the expression “first come first served” in Rule 6(vi) of Nazul Rules there was no



statutory requirement to make allotment with reference to date of registration, it has been rightly held, as a matter of fact, by the High Court that prior to the new guideline contained in the memo of January 20, 1990 the principle for allotment had always been on the basis of date of registration and not the date of approval of the list of members. In the brochure issued in 1982 by the DDA even after Gazette notification of Nazul Rules on September 26, 1981 the policy of allotment on the basis of seniority in registration was clearly indicated. In the aforesaid facts, the Group Housing Societies were entitled to 'legitimate expectation' of following consistent past practice in the matter of allotment, even though they may not have any legal right in private law to receive such treatment. The existence of 'legitimate expectation' may have a number of different consequences and one of such consequences is that the authority ought not to act to defeat the 'legitimate expectation' without some overriding reason of public policy to justify its doing so. In a case of 'legitimate expectation' if the authority proposes to defeat a person's 'legitimate expectation' it should



afford him an opportunity to make representations in the matter. In this connection reference may be made to the discussions on 'legitimate expectation' at page 151 of Volume 1(1) of Halsbury's Laws of England, 4th edn. (re-issue). We may also refer to a decision of the House of Lords in Council of Civil Service Unions v. Minister for the Civil Service [(1984) 3 All ER 935] . It has been held in the said decision that an aggrieved person was entitled to judicial review if he could show that a decision of the public authority affected him of some benefit or advantage which in the past he had been permitted to enjoy and which he legitimately expected to be permitted to continue to enjoy either until he was given reasons for withdrawal and the opportunity to comment on such reasons."

18. Here, the initial recommendations created a procedural expectation of fairness, which was met through the enquiry's hearings, but no substantive right to appointment arose, given the 2023 Rules' emphasis on verifiable national achievements. Nuances arise in edge cases, such as federations' resource constraints, but JAI's lapses on non-renewal and event irregularities provide cogent reasons for



departure, aligning with precedents like *Food Corporation of India v. Kamdhenu Cattle Feed Industries*, reported in *(1993) 1 SCC 71*, where expectations were subordinated to anti-arbitrariness. Relevant paragraph of the said judgement is extracted below:

“8. The mere reasonable or legitimate expectation of a citizen, in such a situation, may not by itself be a distinct enforceable right, but failure to consider and give due weight to it may render the decision arbitrary, and this is how the requirement of due consideration of a legitimate expectation forms part of the principle of non-arbitrariness, a necessary concomitant of the rule of law. Every legitimate expectation is a relevant factor requiring due consideration in a fair decision-making process. Whether the expectation of the claimant is reasonable or legitimate in the context is a question of fact in each case. Whenever the question arises, it is to be determined not according to the claimant's perception but in larger public interest wherein other more important considerations may outweigh what would otherwise have been the legitimate expectation of the claimant. A bona fide decision of the



public authority reached in this manner would satisfy the requirement of non-arbitrariness and withstand judicial scrutiny. The doctrine of legitimate expectation gets assimilated in the rule of law and operates in our legal system in this manner and to this extent.”

19. Article 21’s protections against deprivation of life or liberty are not engaged, with procedural safeguards amply provided.

20. Substantively, this case illuminates broader implications for sports governance in India, particularly in resource-constrained states like Bihar. While the 2023 Rules admirably promote talent, they must be insulated from federations’ lapses. Edge cases like Ju-Jitsu highlight vulnerabilities in emerging sports, where limited sponsorships excuse neither poor documentation nor recognition failures. Penalizing athletes for organizers’ faults risks discouraging participation, yet allowing unverified claims invites fraud. Reforms, such as mandatory digitized records or pre-event affiliation checks, could bridge this gap, aligning with the Sports Code’s vision.

21. In conclusion, the petitioners’ claims, though sympathetic, falter against the substantive requirements of the



2023 Rules and the enquiry's findings. The doubts on JAI's recognition and event authenticity are insurmountable. Federations cannot evade responsibility on any pretext.

22. For the reasons stated above, the instant writ petition stands dismissed.

23. However, there shall be no order as to costs.

(Bibek Chaudhuri, J)

skm/-

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