



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

Date of decision: 15th MAY, 2024

IN THE MATTER OF:

+ **W.P.(C) 5438/2024 & CM APPL. 22456/2024**

MANINI KAUSHIK

..... Petitioner

Through: Mr. Rajshekhar Rao, Sr. Advocate
with Mr. Kartik Seth, Mr. Harsha
Vinoy, Mr. Yashraj Semant and Mr.
Prashanth Dixit, Advocates.

versus

THE NATIONAL RIFLE ASSOCIATION OF INDIA & ORS.

..... Respondents

Through: Mr. Rajiv Kumar Choudhary and Mr.
Aditya Bose, Advocates for R-1.
Mr. Pavan Narang, SPC with Mr.
Kamaldeep, GP and Mr. Himanshu
Seth, Ms. Aishwarya Chhabra,
Advocates for UoI.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

1. The Petitioner has approached this Court for a direction to the National Rifle Association of India (NRAI)/Respondent No.1 herein to permit the Petitioner to participate in the Paris Olympic Selection Trials to be conducted in New Delhi from 18.04.2024 to 27.04.2024 and in Bhopal from 10.05.2024 to 19.05.2024 to select the Pistol and Rifle contingent for the 2024 Paris Olympic Games, in 50 meter Rifle 3 Position Women Category.
2. Shorn of unnecessary details, the facts, in brief, are that the Petitioner has participated in several domestic and international competitions in the 50



meter Rifle 3P women Category. It is stated that the Petitioner was a part of the team which won Silver Medal in the Asian Games 2022 held in Hangzhou, China. The Petitioner is aggrieved by non-inclusion of her name by the NRAI for the Paris Olympic Selection Trials. The Criteria for the Selection of Olympic Shooting Teams to represent India in Rifle & Pistol Disciplines of Olympic Shooting Sport at the Olympics Games Paris, France, 2024 was brought by the NRAI on 10.10.2022 (*hereinafter referred to as 'the 2022 criteria'*). The said criteria were to be in force with the commencement of the International Shooting Sport Federation (ISSF) World Championship, Egypt 2022 in October, 2022 and the last tournaments which could be taken into consideration for the purpose of selection of a player was the 2024 ISSF Final Qualification Championship Rifle which was held in Rio De Janeiro, Brazil, which was the final Olympic qualification championship. The eligibility criterion as laid down in the 2022 criteria reads as under:

“4. SELECTION & ELIGIBILITY CRITERION

a. To be eligible to participate in the Olympic Selection Trials, shooters will need to meet the eligibility criteria, as defined in the QUALIFICATION SYSTEM – GAMES OF THE XXXIII OLYMPIAD PARIS 2024. The details are available on the NRAI website www.thenrai.in

i. Athletes must be listed in the Qualification Ranking for the Olympic Games (QROG) with at least one ranking point achieved for each of the individual events they are to be entered for at the Paris 2024 Olympic Games.

ii. Athletes must have participated in at least two



ISSF Championships for each of the individual events in which they are to be entered for at the Paris 2024 Olympic Games.

b. A total of four trials will be conducted in the first half of year 2024. Dates and venue shall be decided in due course of time.

c. Eligibility for Selection Trials – Top five shooters, as per national ranking as on 29th February 2024 and subject to having QROG points as per 4 (a) (i) & (ii) above, will only be allowed to participate in four selection trials. In case any shooter not having QROG points as per 4 (a) (i) & (ii) above, will not be allowed to participate in selection trials and next rank shooter, based on national ranking with QROG points will be considered for selection trials.

d. Final teams for Olympic Games 2024 will be decided after the 2024 Final Olympic Qualification Championship.

e. All shooters will be required to shoot a minimum of three (03) scores in the Olympic Selection trials for computation of FAS (Final Average Score). If a shooter has only three (03) scores, all three (03) scores shall be counted for computation of FAS. In case a shooter has all four (04) scores from competing in all the Olympic Selection Trials, the Top three (03) scores shall be counted for calculating FAS. Shooter having less than three scores shall not be considered for selection.

f. The Final Average Scores (FAS) will be calculated by the three (03) highest scores of a shooter from OST's plus one (01) point as Quota Bonus Points and divided by 3. The same is illustrated below: -

$$FAS = OST\ 1 + OST\ 3 + OST\ 4 + QUOTA\ BONUS$$



POINT/3

g. After the FAS is calculated, shooters will be ranked based on their FAS. This ranking will be the FINAL OLYMPIC RANKING (FOR) and the selection of shooters for Paris Olympic Games will be decided on the basis of their FOR.

h. Finals will be conducted during all trials and participation in the finals is mandatory for every shooter. The bonus points shall be awarded up to 4th position in each final. The bonus points shall not be added/considered for the purpose of calculating FAS. These bonus points will be calculated and maintained in a separate log, only to be considered for tiebreak, in case of two or more shooters have equal FAS. The bonus merit points available to shooters for their performance in the finals are as below.

- i. 1st place: 0.75 points*
- ii. 2nd place: 0.50 points*
- iii. 3rd place: 0.25 points*
- iv. 4th place: 0.10 points*

For example: Athletes A and B have equal FAS of 628.90. So, bonus points earned by these shooters during Finals will be added to their FAS to arrive FOR as under:

Athlete "A" has bonus points in three high Qualification Score as under:

Trial 1 - .75, Trial 3 - .25 and Trial 4 – 0 (as his rank was below 4th position in Trial 4)

Total Bonus points of Athlete "A" - 1

Athlete B has bonus points in three high Qualification Score as under:



Trial 2 - .50, Trial 3 - .75 and Trial 4 - .75

Total Bonus points of Athlete “B” – 2

Total of 2 Bonus points will be added to FAS of Athlete B who will be then be ranked higher than Athlete A in the FOR.

i. Bonus points of Finals of three highest Qualification scores will only be considered for breaking the tie.

j. The Paris Olympic team will be decided after conclusion of the Olympic Games Selection Trials.”

3. A perusal of the abovementioned criterion indicates that to be eligible to participate in the Olympic Selection Trials, a shooter will need to meet the eligibility criteria as laid down in the Qualification System – Games Of The XXXIII Olympiad Paris 2024 under which,

- a) the athlete must be listed in the Qualification Ranking for the Olympic Games (QROG) with at least one ranking point achieved for each of the individual events they are to be entered for at the Paris 2024 Olympic Games, and;
- b) the athlete must have participated in at least two ISSF Championships for each of the individual events in which they are to be entered for at the Paris 2024 Olympic Games.

4. In view of the above, to be eligible for selection trials top five shooters, as per national ranking as on 29.02.2024 and subject to having QROG points as per 4 (a) (i) & (ii) of the 2022 criteria will only be allowed to participate in four selection trials and in case any shooter does not have QROG points as per 4 (a) (i) & (ii) of the 2022 criteria, he/she will not be



allowed to participate in selection trials and next rank shooter, based on national ranking with QROG points will be considered for selection trials.

5. The 2022 Criteria was amended by the Governing Body of the NRAI on 15.11.2023. The eligibility criterion of the amended Criteria to participate in the Olympic Selection Trials to represent India in Rifle & Pistol Disciplines of Olympic Shooting Sport at the Olympics Games Paris, France, 2024 (*hereinafter referred to as 'the 2023 Criteria'*) reads as under:

“4. SELECTION & ELIGIBILITY CRITERION

a. To be eligible to participate in the Olympic Selection Trials, shooters will need to meet the eligibility criteria, as defined in the QUALIFICATION SYSTEM – GAMES OF THE XXXIII OLYMPIAD PARIS 2024. The details are available on the NRAI website www.thenrai.in

i. Athletes must be listed in the Qualification Ranking for the Olympic Games (QROG) with at least one ranking point achieved for each of the individual events they are to be entered for at the Paris 2024 Olympic Games.

ii. Athletes must have participated in at least two ISSF Championships for each of the individual events in which they are to be entered for at the Paris 2024 Olympic Games.

b. For the purpose of selection of athletes / shooters for participation in Paris Olympic Games, 2024 (Rifle/Pistol events), four OST will be conducted by NRAI. The dates and venue for OST shall be decided by NRAI in due course of time.

c. Eligibility for Selection Trials – The shooters who fulfil the following criteria would be eligible to



participate in Olympic Selection Trials:

1. All Quota Holders/Deemed Quota holders of an event.
2. An athlete whose domestic ranking is 1-3 and who has at least 1 QROG point and has participated in two ISSF Championships.
3. An Athlete whose ISSF QUALIFICATION RANKING for OLYMPIC GAMES (QROG) points are amongst the top 3 shooters (Indian) after the conclusion of ISSF Final Qualification Championship (Rifle & Pistol) in April 2024.
4. An athlete whose domestic ranking is 4 or 5 and whose QROG ranking in that event is 4 or 5.
5. In case number of shooters is less than four in a particular event, then the shooters, ranked 4-5 in national rankings and fulfil the criteria under 4 (a) (i) & (ii), will be permitted to participate in OST

d. Deleted

e. All shooters will be required to shoot a minimum of three (03) scores in the Olympic Selection trials for computation of FAS (Final Average Score). If a shooter has only three (03) scores, all three (03) scores shall be counted for computation of FAS. In case a shooter has all four (04) scores from competing in all the Olympic Selection Trials, the Top three (03) scores shall be counted for calculating FAS. Shooter having less than three scores shall not be considered for selection.

f. The Final Average Scores (FAS) will be calculated by the three (03) highest scores of a shooter from



OST's plus the Quota Bonus Points, as defined under 3 (d) above. The same is illustrated below: -

For Fire Arm Events

$$\text{FAS} = (\text{OST 1} + \text{OST3} + \text{OST4} + 2 \text{ Quota Points})/3$$

$$(590+588+593+2 = 1773/3 = 591)$$

For Air Gun Events

$$\text{FAS} = \text{OST 1} + \text{OST3} + \text{OST4} + 1 \text{ Quota Point}/3$$

$$(590+588+593+1 = 1772/3 = 590.66)$$

g. The selection of shooters for Paris Olympic Games will be decided based on their FAS. In case of tie on equal FAS, the shooter, with higher QROG will be ranked on higher rank. In case of a tie between a Quota holder and a non- Quota holder shooter, the Quota holder shall be ranked higher than the non-Quota holder shooter.

h. Finals will be conducted during all OST. Participation in Finals is mandatory for every shooter. Shooters will be eligible for following final points, up to 3rd rank in finals:

Fire Arm Events

- i. 1st place: 0.60 points*
- ii. 2nd place: 0.40 points*
- iii. 3rd place: 0.20 points*

Air Gun events (Air Rifle and Air Pistol)

- i. 1st place: 0.30 points*
- ii. 2nd place: 0.20 points*
- iii. 3rd place: 0.10 points*

The final points will be added to the Qualification score achieved by the shooters in that particular OST



for calculating average under 4 (f).

For example, shooter “A”, in OST 1, has a qualification score of 590/600 in 3P Men and is ranked 2nd in Finals, his Score of OST 1 will be 590.40.

The Finals will be conducted as per ISSF Rules and elimination in Finals will start depending on number of Finalist in that particular event.

i. DELETED

j. The Paris Olympic team will be decided after conclusion of the Olympic Games Selection Trials and release of Quotas under QROG by ISSF. Shooters fulfilling conditions as stated under 4 (a) (i) and (ii) above will only be selected for participation in Olympic Games.”

6. A perusal of the 2023 Eligibility and Selection Criterion indicates that under the amended Criterion apart from the fact that the athlete must be listed in the Qualification Ranking for the Olympic Games (QROG) with at least one ranking point achieved for each of the individual events they are to be entered for at the Paris 2024 Olympic Games, and that the athlete must have participated in at least two ISSF Championships for each of the individual events in which they are to be entered for at the Paris 2024 Olympic Games. An athlete fulfilling the following criteria would be deemed eligible to participate in the Olympic Selection Trials:

- a. An athlete who is a quota holder/deemed quota holder for an event.
- b. An athlete whose domestic ranking is 1-3 and who has at least 1 QROG point and has participated in two ISSF Championships.



- c. An Athlete whose ISSF QROG points are amongst the top 3 shooters (Indian) after the conclusion of ISSF Final Qualification Championship (Rifle & Pistol), to be held in Rio De Janeiro in April 2024.
- d. An athlete whose domestic ranking is 4 or 5 and whose QROG ranking in that event is 4 or 5.
- e. In case number of shooters is less than four in a particular event, then the shooters, ranked 4-5 in national rankings and fulfill the criteria under 4 (a) (i) & (ii) of the 2023 Criterion, will be permitted to participate in the Olympic Selection Trials.
7. Accordingly, on the basis of the abovementioned criterion five athletes were selected for the Olympic Selection Trials. A chart depicting the name of the shooters who have been selected for participating in the Olympic Selection Trials along with their national rankings and national ranking as per the QROG points is as under:

Name of the Shooter	National Ranking	National Ranking as per QROG points
Sift Kaur Samra	1	1
Ashi Chouksey	2	3
Anjum Moudgil	5	2
Nischal	4	5
Shriyanka Sadangi	14	6

8. On the other hand, the Petitioner's National Ranking is 8th and her National Ranking as per the QROG points is 4th, which is higher than Nishchal and Shriyanka Sadangi.



9. The Petitioner has approached this Court contending that the Respondents ought not to have brought out a new Criteria in 2023 to alter the eligibility criteria as it amounts to changing the rules of the game after the game has begun. It is the contention of the Petitioner that, had the original criterion been followed then since the three shooters having national rankings 3rd, 6th and 7th do not have the requisite QROG Points, they would have been eliminated and the Petitioner would have automatically come within top five and, therefore, would have been eligible for Olympic Selection Trials. It is also contended by the Petitioner that the last tournament which could be taken into consideration for the purpose of selection of a player in the 2024 ISSF Final Qualification Championship Rifle which was held in Rio De Janeiro, Brazil, in April 2024. It is further stated that had the Petitioner participated in the 2024 ISSF Final Qualification Championship Rifle she could have won a quota for herself or could have improved her QROG ranking.

10. The Writ Petition was first listed on 16.04.2024 and this Court issued notice and directed the learned Counsel for Respondent No.1 to take instructions as to whether the Petitioner could be permitted to participate in the Olympic Selection Trials without prejudice to the rights and contentions of the Respondents. The matter was adjourned to 22.04.2024. On 22.04.2024 learned Counsel for the NRAI expressed the inability of the NRAI to permit the Petitioner to participate in the Olympic Selection Trials. This Court on the said date made it clear that if the Petitioner is not permitted to participate in the Olympic Selection Trials which were to commence from 18.04.2024, the Writ Petition will not be rendered infructuous, and it was made clear that if the Writ Petition is decided in



favour of the Petitioner then this Court will direct conduct of fresh trials.

11. Replies on behalf of the Respondents have been filed. The specific stand taken by the NRAI in the reply for altering the criteria for the selection of Olympic Shooting teams to represent India in Rifle & Pistol disciplines of Olympic Shooting Sport at the Olympics Games Paris, France, 2024 is that the ISSF changed its calendar and the deadline was changed from 29.02.2024 to April, 2024 and, therefore, the quota points for world cup and other events changed. It is stated that the change entailed more number of events could take place so that candidates have more options of events where they could be selected and, therefore, the selection trial guidelines were amended so that more players could be accommodated in the trials having larger participation and pool for the shooters to be included/selected for Olympic Selection Trial and it is for this purpose that clause 4(c) was included in the 2023 criteria and clause 4(d) of the 2022 criteria was deleted. It is further stated in the reply that the changes were uploaded on the NRAI's website and have been circulated amongst all the players including the Petitioner herein in the month of November, 2023 itself to enable the shooters desirous of taking part in the Olympic Selection Trials. It is further stated that as per the rules of National Trials, scores of best 3 trials is considered with an option to the shooter to seek 0 (zero) for any score in the Trials and the Petitioner herein had requested for consideration for Trial 3 as zero score trial. It is stated that the request of the Petitioner for not considering the score was declined as the Petitioner's request had come in after the deadline for the same had already passed. It is, therefore, stated that now the Petitioner cannot make any complaint that she has been overlooked for the Olympic Selection Trials. It is stated that amongst the players



selected for the Olympic Selection Trials, Sift Kaur Samra, Ashi Chouksey, Anjum Moudgil and Nischal have a higher national ranking than the Petitioner herein and as far as Shriyanka Sadangi is concerned, she had obtained a quota at the Jakarta Asian Championship. It is further stated that even though the Petitioner, whose National Ranking as per the QROG points is 4, has a higher National Ranking as per the QROG points as compared to Nischal, whose National Ranking as per the QROG points is 5, yet Nishcal has been selected for the Olympic Selection Trials because Nischal has a better national ranking than the Petitioner herein, whose national ranking is 8th compared to that of Nischal who has secured 4th National Ranking.

12. Heard the Counsels for the Parties and perused the material on record.

13. The criteria for the selection of Olympic shooting teams to represent India in rifle & pistol disciplines of Olympic Shooting Sport at the Olympics Games Paris, France, 2024 was brought out in 2022 itself and the Eligibility and Selection Criterion was amended in 2023. The reason given by the NRAI for amending the criteria is that the criteria had to be changed because of an increase in the number of events thereby giving more chances to the participants to participate and improve their rankings.

14. A perusal of the events which took place after November, 2023 shows that the Petitioner could have participated in the Asian Rifle/Pistol Cup 2023, Jakarta and the Olympic Qualification CAT XIV Rifle/Pistol, Buenos Aires, Argentina in order to get an Olympic quota. The contention of the Petitioner that the select list has been declared before the last scheduled tournament which could be taken into consideration for the purpose of selection of a player for the Olympic Selection Trials, i.e. the 2024 ISSF Final Qualification Championship Rifle which is to be held in Rio De



Janeiro, Brazil in April, 2024, cannot be accepted for the reason that India had achieved all the quota positions which have been allotted to India in the sports in question. At this juncture, it is pertinent to mention that each country can obtain a maximum of 24 quotas in shooting for the Paris Olympics, with 16 quotas for Rifle and Pistol events and 8 quotas in Shotgun events.

15. The selection criterion has been evolved by the experts in the field. As stated earlier, the rationale behind changing the selection criteria was to ensure that a greater number of participants are given opportunity to be eligible to participate in the selection trials as the endeavour has always been to select the best amongst a large pool of players. The 2023 criteria has been arrived at in good faith and the argument of the Petitioner that the rules of the game have been changed after the game has begun cannot be accepted on two counts, namely:

- i. The criteria is not perverse,
- ii. The criteria itself is not under challenge.

16. The selection criteria has been evolved by experts and this Court is of the opinion that the criteria is not perverse. The writ court must only see whether the criteria which have been arrived at is in good faith and whether the decision is reasonable. The writ court must not sit as an Appellate Authority over the decisions arrived at by experts if the same is reasonable and has been taken in good faith.

17. This Court in Yamini Mourya and Others vs. Indian Olympic Association and Others, **2023 SCC OnLine Del 6213** has observed as under:



“18. The selection criteria has been evolved by experts and this Court is of the opinion that the criteria which has been evolved by the Respondent No. 2 on 10.07.2023, is not perverse. The writ court must only see whether the criteria which have been arrived at is in good faith and whether the decision is reasonable. The writ court must not sit as an Appellate Authority over the decisions arrived at by experts if the same is reasonable and has been taken in good faith.

19. A Coordinate Bench of this Court in Shumel v. Union of India, 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.”

20. The said judgment has been quoted with approval in Sushil Kumar v. Union of India, 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)

21. 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.

11. It is pertinent to mention here that a Committee of Administrators was 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] after noting down the irregularities being committed in the functioning of Table Tennis Federation of India. In this case this Court inter alia held as under:

19. A Committee of Administrators to discharge the functions of Respondent 1 comprising of the following members is, accordingly, being constituted:

- (i) Chairperson : Chief Justice (Retd.) Gita Mittal, former Chief Justice, Jammu & Kashmir High Court. (Mobile:+919818000220)*
- (ii) Member : Mr. Chetan Mittal, Senior Advocate. (Mobile:+919814044609)*
- (iii) Member : Mr. SD Mudgil, a renowned athlete. (Mobile:+919811054307)*

20. The following directions are being issued to facilitate the smooth functioning of this Committee of Administrators:



- (i) *The executive body of Respondent 1 will acquiesce their administrative duties to the Committee of Administrators, while the staff engaged by Respondent 1 Federation will continue to work on the same terms and conditions as was applicable to them. Since, there are a number of tournaments coming up in the near future, it is expected that the executive members of the Committee, who claim to be working in the interest of the sportspersons, will render all assistance to the Committee of Administrators, as and when required.*
- (ii) *Even though this Committee is being constituted only to ensure that the morale of sportspersons and pride of the country is safeguarded, and the efforts which the three members will be required to put in cannot be compensated, it is directed that a monthly honorarium to be paid to the members of the Committee of Administrators, for the present is being fixed at INR 3 lakhs for the Chairperson, and INR 1 lakh each for the two members.*
- (iii) *Upon the Committee of Administrators as nominated above assuming charge, the existing office-bearers of Respondent 1 Federation shall no longer be entitled to discharge any function of the Federation but will, as already directed, render assistance to the Committee of Administrators, as and when requested by the said Committee.*
- (iv) *The Committee of Administrators will have the power to issue all appropriate directions, under the signatures of the Chairperson, as may be necessary for the functioning of the Federation. The Committee of Administrators will be entitled to utilise the existing office of*



Respondent 1, as also to avail the services of the staff already employed by Respondent 1.

- (v) All communications on behalf of Respondent 1 Federation with any sportsperson or international sports bodies, will now take place only through the Committee of Administrators.*
- (vi) Any of the two members of the Committee of Administrators will, with the prior approval of the Chairperson, be authorised to sign all cheques on behalf of Respondent 1. All the banks where Respondent 1 Federation have bank accounts, are directed to treat the members of the Committee of Administrator as being authorised signatories of Respondent 1. The Committee of Administrators will submit a periodic report, including that relating to accounts, every two months.*
- (vii) It will be open for the Committee of Administrators to seek any such further directions from this Court, as may be necessary.*

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)

18. Applying the law as enunciated by this Court to the facts of the present case, this Court is of the opinion that the criteria has been laid down by experts in the field. Nothing has been shown to this Court that the criteria as framed is perverse or would be hit by the Wednesbury Principle. The Respondents have selected the sportspersons who can take part in the selection trials as per the criteria. This Court cannot sit as an Appellate Authority either over the criteria or the selection of the sportspersons who have been selected to take part in the selection trials. This Court is of the opinion that the selection has been done in the best interest of the country and as per the norms which have been made applicable to all the sportspersons across the country. Nothing has been shown to his Court that the Petitioner has been deliberately omitted or that there has been any favoritism to select any sportsperson.

19. The grievance of the Petitioner that the Petitioner ought to have been sent to Rio De Janeiro to participate in the 2024 ISSF Final Qualification Championship Rifle so that she could have obtained a quota position for the Olympics cannot be accepted for the reason that the maximum number of quota positions had already been achieved by India and, therefore, the decision taken by the NRAI not to send the Petitioner or any other athlete to Rio De Janeiro cannot be said to be perverse.

20. Clause 4 of the guidelines for ISSF Final Olympic Qualification Championship Rifle/Pistol, Rio De Janeiro, Brazil, reads as under:



“4. Participation Individual Events Each ISSF Member Federation can enter a maximum of three (3) athletes per event. There will be no Qualification Ranking for the Olympic Games (QROG) nor ISSF Ranking Points (RPO). Athletes who have already obtained a Quota Place for the Paris 2024 Olympic Games are allowed to participate in this Championship.”

21. A perusal of the said clause indicates that there will be no Qualification Ranking for the Olympic Games (QROG). The Petitioner, therefore, could not have improved her already achieved QROG ranking of 4th Rank and in any event the decision taken by the NRAI that since maximum permissible quota has already been achieved and, therefore, no useful purpose would be served by sending any Indian for the ISSF Final Olympic Qualification Championship Rifle/Pistol, Rio De Janeiro, Brazil, cannot be found fault with.
22. In view of the fact that 2023 Criteria is not under challenge, the fact that there is a valid rationale behind amending the 2022 Criteria and also the fact that the Petitioner has not been able to make much of her grievance that she has not been permitted to go to Rio De Janeiro to participate in the ISSF Final Olympic Qualification Championship Rifle/Pistol, this Court is not inclined to interfere with the decision taken by the NRAI in not selecting the Petitioner for the Olympic Selection Trials.
23. Accordingly, the writ petition is dismissed, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MAY 15, 2024

Rahul