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

Date of decision: 11<sup>th</sup> DECEMBER, 2023

IN THE MATTER OF:

+ **W.P.(C) 16361/2022**

MANJIT SINGH

..... Petitioner

Through: Mr. Manik Dogra, Mr. Arun Khatri,  
Mr. Dhruv Pande, Mr. Imon Bhatt  
and Ms. Saumya Bajaj, Advocates.

versus

SPORTS AUTHORITY OF INDIA & ANR. .... Respondents

Through: Mr. Anil Soni, CGSC with Mr.  
Devvrat Yadav, Advocate for UOI.

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**JUDGMENT (ORAL)**

1. The instant writ petition has been filed for a direction to the Respondents to consider and confer Arjuna Award on the Petitioner for outstanding performance in Sports and Games, 2022.
2. It is stated that the Petitioner is an outstanding athlete who has won gold medal in athletics 800 meters category in the 18<sup>th</sup> Asian Games, 2018 held at Jakarta. It is stated that the Petitioner has been a part of Athletic Federation of India since 2010 and has won several national and international athletic events and has brought laurels to the country. It is stated that outstanding athletes in various fields/disciplines are conferred with the Arjuna Award which is a recognition to the sportspersons for their



outstanding performance and development of sports in the country. It is stated that in order to regulate the conferment of the Arjun Award, a Scheme has been brought out in the year 2018 called as “Scheme for the Arjuna Awards for Outstanding Performance in Sports and Games”. The said Scheme also lays down the criteria for awarding marks to decide as who should be conferred with the Arjuna Award. It is stated that despite being a Gold Medalist in athletics 800 meters category in the 18<sup>th</sup> Asian Games, 2018, the Arjuna Award has not been conferred on the Petitioner.

3. Notice was issued in the writ petition on 29.11.2022. Counter affidavit has been filed by the Respondent No.2. It is stated in the counter affidavit that as per the guidelines, the award is decided by the Selection Committee constituted by the Government of India which is headed by the retired Judges of the Hon’ble Supreme Court/High Court as Chairperson and eminent sportspersons/sports journalist/sports experts as members. It is stated in the counter affidavit that as per the criteria for conferring Arjuna Award to sportspersons, 80 percent weightage is given for the medals won in various International championships and sports events of the disciplines covered in Olympic Games (Summer, Winter and Paralympics), Asian Games and Commonwealth Games and 20 percent weightage is given to the marks given by the Selection Committee for assessment of the eligible sportspersons. It is stated that the Selection Committee assess the various sports persons and give marks on the basis of guidelines. Paragraph Nos.9 and 11 of the counter affidavit reads as under:

*“9. That the contents of Para No. 9, it is submitted that the petitioner has scored 30.00 marks on the basis of his achievements which after applying the conversion factor (i.e. Marks obtained by the petitioner divided by*



*highest marks obtained across the discipline multiplied by 80) comes out to be 20.87. After adding 04 marks (out of 20) given by Section Committee, the grand total marks obtained by the petitioner comes out to be 24.87. It is submitted that the aggregate marks of the sportsperson mentioned by the petitioner was 35.39. For Sports Awards 2022, the Selection Committee was appointed under the Chairmanship of Justice AM Khanwilkar, Retd. Judge, Supreme Court of India. Hence the facts stated by the petitioner are incorrect.*

*11. That the contents of Para No. 11 It is submitted that the petitioner has scored 30.00 marks on the basis of his achievements which after applying the conversion factor (i.e. Marks obtained by the petitioner divided by highest marks obtained across the discipline multiplied by 80) comes out to be 20.87. After adding 04 marks (out of 20) given by Section Committee, the grand total marks obtained by the petitioner comes out to be 24.87. It is submitted that the aggregate score of the sportsperson mentioned by the petitioner was 35.39 and hence the facts stated by the petitioner are incorrect.”*

4. Heard learned Counsel appearing for the Parties and perused the material on record.
5. The Respondents were directed to produce the concerned file regarding the recommendations of the Selection Committee for the various Awards which are to be conferred in the field of sports before the Court. The file was produced before the Court. This Court has perused the file and this Court does not find that any favoritism has been done or the Petitioner has been deliberately excluded.
6. The relevant portion of the criteria for conferring Arjuna Awards to sportspersons which are applicable to the present case reads as under:



**Criteria for giving Arjuna award to Sports persons**

1. 80 % weightage will be given for the medals won in various International championships and sports events of the disciplines covered in Olympic Games (Summer, Winter and Paralympics), Asian Games and Commonwealth Games. Points for winning medals will be given to each eligible sportsperson for his/her performance during the last 4 years and upto conclusion of Olympic Games, Commonwealth and Asian Games during those years when these Games are held as per marks given in the table below:

| S. No. | Event                                                        | Medal |        |        |
|--------|--------------------------------------------------------------|-------|--------|--------|
|        |                                                              | Gold  | Silver | Bronze |
| 1      | World Championship/World Cup (once in 4 years)*              | 40    | 30     | 20     |
| 2      | Asian Games                                                  | 30    | 25     | 20     |
| 3      | Commonwealth Games                                           | 25    | 20     | 15     |
| 4      | Asian Championship (once in two years i.e. biennial)*        | 15    | 10     | 7      |
| 5      | Commonwealth Championship (once in two years i.e. biennial)* | 15    | 10     | 7      |

\* For World Championship/World Cup/Asian Championship/Commonwealth Championship of different periodicities, proportionate marks will be given.

2. Equivalence of any other sports discipline/tournament, not listed above, will be decided by the Selection Committee with reference to above-mentioned five categories of sports tournaments and the points will be allotted accordingly.

3. For team events, marks will be computed taking into consideration strength of the team. If prescribed marks for an individual event are 'A', in the case of team event, the marks will be computed as follows:

- (i) A team of 2 persons:  $1.5 \times \text{'A'}/\text{number of persons in the team}$
- (ii) A team of 3 or 4 persons:  $2 \times \text{'A'}/\text{number of persons in the team}$
- (iii) A team of 5 to 10 persons:  $3 \times \text{'A'}/\text{number of persons in the team}$
- (iv) A team of more than 10 persons:  $5 \times \text{'A'}/\text{number of persons in the team}$

4. 80 marks will be given to the sportsperson getting maximum points as computed in the table above. Rest of the sportspersons will be given marks proportionately to the said sportsperson. For example, if a sportsperson 'A' has got highest points say 45 points as per the table above and another sportsperson 'B' has got 40 points as per the table above, then 'A' will get 80 marks and 'B' will get  $(80 \times 40 / 45) = 71.11$  marks.

5. 20 % weightage will be given to the marks given by the Selection Committee for assessment of the eligible sportsperson keeping in view factors like profile and standard of the sports events in which he or she has won medals and qualities like leadership, sportsmanship, team spirit, fair play, sense of discipline.

7. The aforesaid criteria have not been challenged by the Petitioner in the instant writ petition.

8. A team of experts has assessed the comparative merit of all the sportspersons who have participated in various fields. It is pertinent to



mention that the sport of athletics itself has several track and field events and the best in each field cannot be awarded Arjuna Award and, therefore, amongst the best only a few persons are conferred with the Arjuna Award. It is the substantive satisfaction of the Selection Committee to confer the Award. It is well settled that the Court does not sit as an Appellate Authority over a decision taken by the Expert Committee and substitute its own conclusion in place of the conclusion arrived at by the experts. In Shumel v. Union of India and Ors., **2010 SCC OnLine Del 4706**, a Co-ordinate Bench of this Court while dealing with a case regarding selection of players to represent the country by a team of experts 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.”*

9. 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)

10. In Swastika Ghosh v. Table Tennis Federation of India, (2022) 4 HCC (Del) 213, another co-ordinate bench of this Court, after considering various decisions of the Apex Court, while deciding a case regarding selection of players which can be said to be akin to selection of person entitled to Arjuna Award, 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*



*wresting 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.”*

(emphasis supplied)

11. The three sportspersons being Ms. Seema Punia, Shri Eldhose Paul and Shri Avinash Mukund Sable who have been conferred with the Arjuna Award are also medal winners and have brought laurels to the country. The said Awardees are also renowned athletes in their respective fields. It cannot be said that one is superior to the other as they are participants in their respective field and, therefore, there cannot be any comparison between athletes.

12. In view of the fact that the Petitioner has not been deliberately left out or that the criteria adopted by the Selection Committee is so arbitrary and erroneous, the decision of the Selection Committee does not warrant any interference under Article 14 of the Constitution of India.

13. In view of the above, the writ petition is dismissed, along with pending application(s), if any.

14. The concerned file regarding the recommendations of the Selection Committee given by Respondents has been handed over to the learned Counsel for the Respondents in Court today.

**SUBRAMONIUM PRASAD, J**

**DECEMBER 11, 2023**

*S. Zakir*