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

Date of Decision: 09th December, 2024

+ W.P.(C) 17010/2024 & CM APPLs. 72107/2024, 72108/2024

BHAVYA CHABBRA & ANR.

.....Petitioners

Through: Mr. Ishan Jain and Mr. Alok Bhachawat, Advocates.

versus

BADMINTON ASSOCIATION OF INDIA & ORS. Respondents

Through: Mr. M. Shaz Khan, Advocate for R-6 & 7.

Mr. Bharat Gupta, Advocate for R-2.

Ms. Mehak Nakra, ASC for GNCTD.

Mr. Nishant Gautam, CGSC with Ms.

Sanjana Mehrotra, Mr. Vardhman

Kaushik, Mr. Vipul Verma, Ms.

Akriti Mehrisa, Advocates with Mr.

Devvrat Yadav, GP for R-4/ UOI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J. (Oral):

1. The Petitioners are aggrieved by the decision of Delhi Capital Badminton Association¹ in finalizing the Team of Kavya Gandhi and Ashish Garg²/Respondent No. 6 and 7 to represent DCBA in the XD-1 category (Mixed Doubles Category) for the upcoming Yonex—Sunrise 86th Senior

¹ “DCBA”



National Badminton Tournament (Men & Women) scheduled from 18th December, 2024 to 24th December, 2024 in Bangalore, Karnataka.

Facts and Contentions:

2. The background leading to the filing of the present petition is as follows:

2.1. The Petitioners are national-level badminton players who have been consistently competing in the Under-19 doubles category across gender-specific and mixed doubles formats. They assert that they have dedicated their lives to the sport, achieving numerous accolades and medals, reflecting their exceptional calibre. The DCBA Administrator constituted an Advisory Committee and under their supervision, a Selection Committee was formed. For the selection of players for upcoming ‘Yonex — Sunrise 86th Senior National Badminton Tournament (Men & Women)’, two tournaments were organized: (a) 7th Pradeep Virendra Singh Memorial Modern School Delhi State Ranking Badminton Tournament, 2024³ (from 29th June, 2024 to 4th July, 2024) & (b) Delhi State Badminton Championships⁴ (U-11, U-13, U-19, Seniors & Veterans), 2024 (from 26th May, 2024 to 6th June, 2024).

2.2. Petitioners participated as a pair in both tournaments and cumulatively scored 8 points (5 points in the Ranking Tournament + 3 Points in the championship Tournament) in the mixed doubles category. Kavya Gandhi/Respondent No.6 and a boy named Vikas Yadav⁵ played together in the Ranking tournament and secured 3 points. However, in the Championship Tournament she played with Anish Garg/Respondent No.7.

² “Team of KA”

³ “Ranking Tournament”

⁴ “Championship Tournament”

⁵ “Team KV”



Thus, the Petitioners contend that they surpassed Team KA, which scored only 7 points. The Petitioners argue that the points secured by Team KV cannot be considered towards the points scored by the Team KA. They assert that as per established DCBA rules, points are awarded based on a team's joint performance thereby ensuring that only consistently performing pairs are selected and the scores cannot be attributed to players switching partners. They allege that the Selection Committee has deviated from established norms by splitting the individual scores of Team KA and summing them up, which was never previously done.

2.3 The Petitioners also allege a conflict of interest, claiming that one member of the Advisory Committee, Mrs. Manjusha Kanwar, who influenced the selection process, runs a private academy where Respondents No. 6 and 7 (Team KA) train. They assert that this compromised the objectivity and fairness of the selection process.

2.4 The Petitioners contend that the selection process has been unfair, resulting in significant prejudice to them. They draw attention to a precedent from 2022, where a similar situation arose involving a mixed doubles pair that had not competed together in both qualifying tournaments. In that instance, the players accumulated more points individually by playing with different partners in one of the tournaments. However, despite their higher individual scores, the selection committee prioritized the pair that had participated together in both tournaments, even though their combined points were fewer. This decision upheld the established principle of considering the joint points of a consistent pair. In contrast, the current selection process deviates from this practice by splitting and combining the individual points of Respondents No. 6 and 7, thereby introducing



inconsistency and arbitrariness in the application of the rules.

2.5. Counsel for DCBA, representing Respondents No. 6 and 7, opposes the petition, arguing that the selection process was conducted strictly as per the circular dated 14th May, 2024, which governs the ranking system. As per this circular, points in doubles events are divided equally between the partners, and the individual ranking points are then aggregated to determine the total points of the team. The relevant portion of the circular stipulates as follows:

“In the case of Doubles Events:

- *The points awarded to a doubles pair, will be divided equally between the partners, which will determine the Individual Doubles Ranking Points*
- *The sum of the Individual Doubles Ranking Points of the partners will decide, the total number of ranking points of the pair.”*

2.6. This circular, they submit, has been consistently followed and is aligned with the regulations followed by Badminton Association of India,⁶ which provides as under:

“4. Points system:

4.1 Players/pairs win basic points according to how far they progress in the draw of particular event.

4.2 If a player/pair.

4.2.1 had a bye in the first round and lost in the second round - they receive first round loser's points

4.2.2 had a bye in the first round, won the second round and is the third round they move third round loser's points

4.2.3 had a walkover in the first round and lost in the second round - they receive second round loser's points

4.2.4 had a bye in the first round, walkover in the second round and lost in the third round - they receive third round

4.3 In case of doubles events:

4.3.1 The points awarded to a doubles pair will be divided equally

⁶ “BAI”



between the partners which will determine the Individual Doubles Ranking Points.

4.3.2 The sum of the Individual Doubles Ranking Points of the partners will decide the total number of Ranking Points of the Pair.

4.3.3 For exclusive Doubles events, Players will be eligible for points as given in Ranking Tournaments when all the events are held.”

(Emphasis Supplied)

2.7. Additionally, they argue that the Petitioners have approached the Court at the eleventh hour. That apart, the Petitioners’ representation dated 2nd December, 2024 was duly considered but the Advisory Committee/ Selection Committee found that the concerns raised by the Petitioner, as regards the points system, would require further deliberation and changes, if any, to the selection criteria, could only be made for upcoming season of 2025.

Analysis and Findings:

3. The Court is mindful of its limited scope of judicial review in matters of selection for sporting events. In such matter, Courts must exercise restraint and intervene only where there is demonstrable arbitrariness, perversity, or *malafide* intent.

4. The Petitioners’ central contention is that points should be awarded to pairs as a unit, rather than splitting and aggregating individual scores. While this argument may appear compelling, the selection criteria, as prescribed in the circular dated 14th May, 2024, stipulates that points in doubles events are to be divided equally among partners to determine their individual rankings. This system is not only consistent with DCBA’s circular but also mirrors the methodology adopted by BAI, the national sports federation for badminton.

5. The Petitioners have participated in both ranking tournaments with full knowledge of the prevailing criteria. The circular dated 14th May, 2024



governing the ranking system was issued well in advance, and the Petitioners cannot claim ignorance of the same. The events concluded in June and July 2024, giving the Petitioners ample time to raise any objections as regards the said circular. Their decision to approach this Court at the eleventh-hour casts doubt on the *bona fides* of their challenge and weighs heavily against granting any relief.

6. The Petitioners also rely on a past precedent from 2022, where the Selection Committee prioritized pairs with joint participation over individually ranked players. However, this argument overlooks a crucial distinction: in the present instance, the criteria set forth in the 2024, which accounts for 'Individual Doubles Ranking Points,' indicates that the Players can switch partners, with the aggregate of their individual rankings being used for the selection. This flexibility allows players to optimize their performance by choosing compatible partners and accounts for contingencies like injuries or lack of team dynamics.

7. That apart, the allegation of conflict of interest against Mrs. Kanwar, while serious, remains unsubstantiated. The Petitioners have not provided any material evidence to demonstrate that the selection process was tainted by bias or undue influence. Mere speculation or conjecture cannot form the basis for judicial interference, particularly in the absence of a credible factual foundation.

8. The Petitioners emphasize that BWF (Badminton World Federation) adheres to the notional points system, and they contend that this system is a more equitable approach to selection. On this issue, Respondent No.2 have apprised the court of the minutes of the Advisory/Selection Committee meeting held on 28th October, 2024, where this issue was extensively



deliberated and resolved as follows:

“AGENDA [4]- Discussion on Mail Sent by Mr Yogesh Chabra

Dr. Ameeta Singh expressed a word of appreciation on the concern/issue raised by Mr. Yogesh Chabra with regard to distribution of points to a pair specifically the issue of notional point and that of changing partners and suggested that the issue requires deeper understanding & discussion. She raised concerns about a player being injured or taking a transfer (NOC) to another state and in such circumstances what would happen to the partner who continues to play for Delhi ? The option of minus points being awarded to players changing partners was also suggested by her.

Mr. Rajiv Mehta informed that the notional point system is deep system followed by BWF which requires multiple pre-requisites such as to conduct at least 4 tournaments quarterly. He suggested that as BAI does not follow the said notional system, the DCBA should also not implement this system.

Mr Davinder Dhillon suggested that, in the interest of justice and fair play, rules for the selection of teams should be uniformly applied for the entire ongoing season and requisite and progressive changes be made in the interest of the sport and players after more detailed deliberations and discussions for the upcoming season 2025.

After detailed discussions it was unanimously resolved that changes in this regard, if any, be made for the upcoming season 2025.”

9. Thus, it emerges that during the meeting, members of the committee discussed the concerns regarding the distribution of points to a pair, particularly in cases where players change partners due to injury, transfer, or other reasons. The complexity of implementing the notional points system was discussed and it was suggested that additional factors, such as imposing penalties for changing partners, require careful consideration. One of the members has pointed out that while the notional points system is utilized by the BWF, it involves several preconditions, such as participation in at least four tournaments quarterly, making its implementation challenging for the



DCBA. He advised against adopting the system, citing that even the BAI does not follow this approach. It was also suggested that, in the interest of justice and fairness, rules for team selection should remain consistent throughout the ongoing season to avoid disruption. He proposed that any progressive changes, if deemed necessary, be introduced only after detailed deliberations for future seasons, ensuring they serve the sport's overall development. Consequently, the committee unanimously resolved that any modifications to the ranking or selection criteria, including the potential adoption of a notional points system, would be considered only for the 2025 season.

10. The afore-noted discussion reveals that the DCBA is not averse to making changes in the ranking system, but want further deliberations. Indeed, midway, for the event in question, the selection criteria cannot be changed. Furthermore, the criteria applied by DCBA aligns with the established ranking system, granting players the freedom to change their partners and consider the sum of individual points for selection. This system has its advantages, offering players the flexibility to select partners with better team dynamics or to adapt to unforeseen circumstances, such as injuries. While the Petitioners' argument that selection should be based solely on team scores may have its own appeal, the Court finds no reason to interfere with DCBA'S criteria, which is neither arbitrary nor unreasonable. Given the timing of the present petition and the settled legal principle that selection processes are best left to experts in the field, this Court sees no merit in intervening.

11. As for the Petitioners' contention regarding an earlier precedent where the distribution of points for selecting doubles pairs was not followed



by DCBA or any other State Association, the Court finds this argument unpersuasive. For the event in question, the selection process is governed by the ranking system outlined in the circular dated 14th May, 2024. Reliance on past practices cannot override the established criteria currently in force.

12. For the foregoing reason, the Court does not find any merit in the present petition and accordingly, the same is dismissed along with pending applications.

SANJEEV NARULA, J

DECEMBER 9, 2024

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