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

+ **W.P.(C) 1909/2018 & CM 16198/2018**

ANOOP DHAWAN

..... Petitioner

Through Mr Jagat Rana, Advocate.

versus

BRIDGE FEDERATION OF INDIA & ORS Respondents

Through Mr Sandeep Mahapatra, Advocate for
Respondent No. 2.

Mr Anil Grover, Advocate with Ms Noopur Siyal,
Advocates for Respondent No.3.

Ms Aakanksha Kaul, Ms Nihareeka Godsay
Advocates for R7.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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18.07.2018

1. The petitioner has filed the present petition, *inter alia*, praying as under

“a. Issue writ, order or direction in the nature of mandamus directing the respondent No. 1 to formulate policy/rules/regulations regarding conducting trials and selection on team basis for constituting the National Team for representing the country in international competitions;

b. Issue writ, order or direction in the nature of mandamus declaring the Pune and Goa trials to be null and void.”

2. The petitioner – who is an accomplished bridge player – is essentially aggrieved by the lack of firm policy and rules for selection of teams to

represent India in International events.

3. Respondent no.1 (Bridge Federation of India – hereafter ‘BFI’) has filed a counter affidavit annexing therewith the “Selection Policy for Indian Teams at International Events”. Article 5 of the said policy is relevant and reads as under:-

“5. Selection Format and Eligibility for International Events

The selection format as well as eligibility of players shall vary according to the type of event as well as the source of available funding. The BFI appointed Technical Committee and Selection Committee shall oversee this process.

5.1 For Multi-National, Multi-Disciplinary Events - BFI Funded

When Bridge is being held as an event as part of a multi-national, multi disciplinary event as detailed in section 2.1 above, teams representing India shall be funded by the BFI through funds obtained from SAI. The BFI shall announce and organize selection trials to select the team as below.

5.1.1 Eligibility

All players participating in the selection trials must be Indian Citizens (for the avoidance of doubt, it is clarified that an Indian Citizen is one who holds only an Indian passport).

5.1.2 Selection Format

The format of the selection trials shall be determined by the Selection Committee, in consultation with the Technical Committee. The selection process shall adhere to the guidelines laid out by SAI.

The selection shall be carried out with the primary aim of maximising the number of podium and medal finishes for

India at the event. This selection may be carried out on a team basis or pair basis for each of the relevant categories detailed in Section 3 above, at the discretion of the Selection Committee. The criteria for selection shall also be determined by the Committee and may involve multiple camps. The Selection Committee may, at its discretion, nominate individual players or pairs to specific categories (such as the Super Mixed) where holding separate trials could be challenging.

5.2 For Multi-National Bridge Events – Self-Funded

For multi-national Bridge events as detailed in section 2.2 above, funding has typically been unavailable from the BFI (or SAI) and has been self-funded.

5.2.1 Eligibility

All players participating in the selection trials must be Indian Citizens (for the avoidance of doubt, it is clarified that an Indian Citizen is one who holds only an Indian passport).

5.2.2 Selection Format

The format of the selection trials shall be determined by the Selection Committee of the BFI, in consultation with the Technical Committee of the BFI. The selection process shall be on a team basis. The qualification criteria to be a part of the Selection Trials shall be the performance of teams during the course of the year at specific National level events and this information shall be disseminated with sufficient notice, by the BF periodically.

However, in some categories listed under section 3, a different format may be adopted due to the non-availability of sufficient teams (Women / Mixed / Super Mixed for example). Alternate qualifying criteria may be established for some categories such as Seniors as the category is not one that is organised at the National level events.”

4. In view of the above, the petitioner's grievance with regard to the framing of a policy, stands addressed. Clearly, there has to be some elbow room for the selectors to evolve the selection criteria. And, the BFI, which is the National Sports Federation for the sport in question, would be well within its right to specify the eligibility criteria as well as the manner in which the selection would be conducted from time to time. As long as the selection process is publicised in advance and it is not arbitrary or unreasonable, no grievance in this regard can be entertained in a petition under Article 226 of the Constitution of India.

5. Insofar as the prayer of declaring the trials held at Pune and Goa as void is concerned, it is relevant to note that the main reason stated by the petitioner for assailing the same are that the trials were conducted on "Pair Basis" and not on a "Team Basis". Concededly, both the basis can be adopted for selection of a team. Nothing has been placed on record, which can persuade this Court to accept that the adoption of "Pair Basis" is unreasonable or arbitrary so as to offend Article 14 of the Constitution of India. The question whether the "Team Basis" is better than "Pair Basis" or whether one basis should be selected over the other is clearly outside the scope of judicial review under Article 226 of the Constitution of India.

6. The learned counsel appearing for the petitioner contends that although trials were conducted at Pune and Goa for selection of the teams and they were selected on basis of merit, the constitution of the final contingent that that has been forwarded by the BFI includes two players – Ms Kiran Nadar and Bachiraju Satyanarayana – who had not participated in the trials and therefore their selection should be set aside.

7. This Court is not persuaded to entertain the request for the aforesaid relief, principally, for two reasons. First of all, no such allegation had been made in the petition and the respondents had have no opportunity to counter the same. Secondly, and more importantly, none of the two players mentioned above are parties to the present petition and, therefore, any direction to remove their names from the Indian team would not be apposite. And lastly, the names of the Indian contingent have already been forwarded to the organizers of the Asian Games 2018.

8. Having stated the above, this Court considers it apposite to observe that the selection of players must be strictly on merits and in accordance with the pre-disclosed policy. After the selection trials have been conducted, there would be no scope for the BFI to introduce any candidate based on consideration which has not been indicated in the selection policy in advance. BFI shall ensure that the aforesaid principle is followed for selections of players in future.

9. The petition is disposed of with the aforesaid observations. The pending application is also disposed of.

10. Order *dasti* under the signatures of the court master.

VIBHU BAKHRU, J

JULY 18, 2018

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