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

+ W.P.(C) 6943/2018

JAKKA SOWJANYA REDDY, THROUGH HER
ATTORNEY

..... Petitioner

Through: Mr Kirti Uppal, Sr. Advocate with Mr
P. S. Bhullar, Mr Sumit Kumar and
Mr Pranvir Sethi, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms Abha Malhotra, Mr Abhishek
Kamal, and Mr Tanuj Chopra,
Advocates for R-1.

Mr Amit Sibal, Sr. Advocate with Ms
Vishaka Ahuja, Mr Vinay Tiwari, Mr
Inderjeet Singh, Mr Aditya Swarup
and Mr Avinash Amarnath,
Advocates for R-2.

Mr Hemant Phalpher, Advocate for
R-4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **11.07.2018**

CM No.26374/2018

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 6943/2018 & CM No.26340/2018

3. The petitioner has filed the present petition, *inter alia*, impugning the decision of the Selection Committee in selecting badminton players to represent India in the Asian Games-2018, which are scheduled to be held next month in Jakarta, Indonesia. The petitioner is a grandmother of Ms Jakka Vaishnavi Reddy and has filed the present petition essentially to seek

inclusion of her name in the Indian contingent.

4. Mr Kirti Uppal, learned Senior Counsel appearing for the petitioner had assailed the selection process mainly on two grounds. First, he submitted that certain players, which are stated to be part of an “elite group” had been selected in Indian Team without competing in any trials. He submitted that there was no reference to an ‘elite group’ in any of the communications issued by Badminton Association of India (hereafter ‘BAI’) and further there was no defined parameter to indicate as to which player would qualify to be a part of the said elite group. He earnestly contended that Ms Jakka Vaishnavi Reddy was ranked third in India and was ranked 55th in the World Ranking and, therefore, by any stretch should have been considered as a part of the elite group.

5. Second, he submitted that the selection was biased in favour of Ms Gayathri Gopichand Pullela, who was included in the team on the basis of her participation in trials that had taken place in the sports academy run by her father, Gopichand Pullela. He contended that she was provided a wild card entry for participating in the said tournament. He further submitted that the Selection Committee also included Sh. Pullela Gopichand who had participated in selection of his daughter as a part of Indian contingent.

6. Mr Sibal, learned Senior Counsel appearing for BAI countered the submissions made by the petitioner. He submitted that BAI had circulated a letter dated 09.05.2018 to all the Badminton Associations in India and PSUs, indicating the selection criteria. The said letter indicated that the tournaments would be organised at KBA Stadium, Bangalore from

12.06.2018 to 17.06.2018 and at Pullela Gopichand Badminton Academy, Hyderabad from 19.06.2018 to 24.06.2018. The said letter also indicated that Ms P.V. Sindhu, Ms Saina Nehwal, Ms Ashwini Ponnappa and Ms N. Sikki Reddy were exempted from participating in the above tournaments as per their BWF ranking. Similarly, seven players in the men's category were also exempted from participating in the tournaments organised for selection of the Indian team.

7. The affidavit filed on behalf of BAI indicates that 10 men and 10 women were required to be selected for representing the country in the Sports of Badminton at the ensuing Asian Games-2018. The Selection Committee had decided that the women's contingent would include top four players based on their world ranking and the remaining six would be selected on the basis of the results of the tournaments scheduled to be held at Bangalore and Hyderabad.

8. The affidavit filed on behalf of BAI further indicates that 1628 players participated in the tournament conducted at Hyderabad and 1436 players participated in the tournaments conducted at Bangalore. The participants also included 89 players holding world rankings below 250.

9. Mr Sibal, learned Senior Counsel appearing for BAI submitted that Ms Gayathri Gopichand Pullela was given a wild card as she was ranked at number one in the age group of under 17. He further clarified that a wild card only exempts the player from participating in the qualifying rounds. However, the player was required to compete other rounds for being selected as a part of the Indian team.

10. I have heard the learned counsel for the parties.

11. Concededly, the petitioner's granddaughter – Ms Jakka Vaishnavi Reddy – did not participate in the tournaments conducted for selecting the Indian contingent to the Asian Games – 2018. There is also no reason to disbelieve BAI's claim that apart from the four players, who were exempted from participating in the tournaments, all other players were selected on the basis of merit and their ranking in the two tournaments held at Hyderabad and Bangalore in June, 2018. The petitioner could not be selected as she did not participate in the said tournaments.

12. It is also admitted that the petitioner's world ranking is much below the four women players who were exempted from the tournament held by the Selection Committee. It is stated that in the Women's Singles category, Ms P.V. Sindhu is ranked at no. 3 and Ms Saina Nehwal is ranked at no.9. It is also not disputed that Ms Ashwini Ponnappa and Ms N. Sikki Reddy are ranked at no.22 in the BWF World Rankings. The petitioner claims that Ms Jakka Vaishnavi Reddy is ranked at the 55th position. Thus, admittedly, Ms Jakka Vaishnavi Reddy's ranking is much below the ranking of the four players who had been exempted from participating in the selection tournament. Plainly, the decision of the Selection Committee to exempt the top four women's players from the tournament cannot be faulted. The said decision is founded on a criteria based on merit and warrants no interference by this Court. The Selection Committee would necessarily have the discretion to decide the methodology for selection of Indian team. There would be no cause to interfere with the said process unless it is found that the process is arbitrary or unreasonable or is vitiated by caprice or *malafides*.

None of the aforesaid grounds are established in the present case.

13. In view of the above, the selection of the top four women ranked players cannot be set aside on the ground that the Selection Committee in its discretion had exempted the said players from participating in the selection tournaments.

14. Clearly, this Court also cannot issue a mandamus directing BAI to include Ms Jakka Vaishnavi Reddy as a player, as she has neither participated in the tournaments conducted for selection of the players nor is she ranked higher than any of the four players who have been exempted from participating in the said tournaments.

15. Ms Uppal, had further contended that seven players in the men's category have been exempted from participating in the tournaments and further two names were added to the said list. He submitted that there was a clear discrimination between the number of players exempt in the men's category and number of women players that were granted exemption from participating in the tournaments. The said contention is also unmerited as this Court is informed that all nine players in the men's category were also ranked very high in the BWF World Rankings.

16. In addition to the list of players initially indicated in the letter dated 09.05.2018, two other players namely, Ms Manu Attri and B. Sumeeth Reddy were also exempted from participating in the tournaments. This Court is informed that the said two players had made a representation to be included in the category of selected players who were exempted from participating in the selection tournaments on the ground that they were

ranked at the 26th position. The Selection Committee had considered this rank to be fairly high and had accepted their representation. This decision is also not amenable to judicial review.

17. This Court is also not persuaded to accept that the Selection of Ms Gayathri Gopichand Pullela as the part of Indian contingent warrants any interference by this Court. She had participated in the tournaments conducted for selection of the Indian contingent and there is no reason to believe that her selection is not based on the rankings in the said two tournaments. The fact that she was given a wild card in one of the tournaments only exempted her from participating in the qualifying rounds. She, nonetheless, had to compete in the main rounds for being selected as a part of the Indian contingent. The fact that her father was a part of the Selection Committee being the National Coach and that the tournaments were conducted at the academy run by him is of a little relevance. This is so because the criteria for selection of the players was not a subjective criteria but an objective one. The players have been selected on the basis of their performance in the two tournaments and not on the basis of any subjective evaluation.

18. In view of the above, the present petition is unmerited and is, accordingly, dismissed. The application also stands disposed of.

VIBHU BAKHRU, J

JULY 11, 2018
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