



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

Date of decision: 04<sup>th</sup> OCTOBER, 2023

IN THE MATTER OF:

+ **W.P.(C) 11842/2023 & CM APPL. 46259/2023**

PAYEL CHOWDHURY

..... Petitioner

Through: Dr. Menaka Guruswamy, Sr. Advocate with Ms. Amrita Sharma, Mr. Darpan K.M., Mr. Utkarsh Pratap, Mr. Lavkesh Bhambhani, Mr. Harshwardhan Thakur & Mr. Vishal Rajvansh, Advocates

versus

AMATEUR KABADDI FEDERATION OF INDIA & ORS.

..... Respondents

Through: Ms. Nandita Rao and Mr. Kunal Prakash, Advs. for R-1/AKFI. Mr. Anil Soni, CGSC with Mr. Devvrat Yadav, GP and Mr. Archit Misra, Adv. Mr. Vikas Singh, Mr. Piyush Kumar & Mr. Sagar, Advs. for R-3.

**CORAM:**

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

### **JUDGMENT**

1. The Petitioner has approached this Court challenging the selection of the Indian women's team to represent the country in the discipline of *Kabaddi* in the Asian Games that is being held in Hangzhou, China from 23.09.2023 to 08.10.2023. The Petitioner also prays for issuance of mandamus to hold fresh trials in a transparent manner as mandated by the National Sports Code, 2011.



2. It is stated that the Petitioner was the captain of the Indian Women's Kabaddi team in the Asian Games held in the year 2018. It is also stated that the Petitioner is an accomplished *kabaddi* player and has represented the Indian Women's team in various *kabaddi* competitions. It is stated that the Petitioner has represented the country in the following competitions:-

*“12th South Asian Games, Guwahati, 2016 (Gold Medal);*

*5th Asian Beach Games, Vietnam, 2016 (Gold Medal);*

*5th Asian Kabaddi Championship, Iran, 2017 (Gold Medal);*

*18th Asian Games, Jakarta, 2018 (Silver Medal);*

*13th South Asian Games, Nepal, 2019 (Gold Medal)”*

3. It is stated that the Petitioner was offered a job in the South Eastern Railways and is currently posted in West Bengal. It is stated that the process for selecting the team to represent the country in the forthcoming Asian Games in the discipline of Kabaddi is against the Sports Code, 2011.

4. It is stated that in the year 2018, owing to irregularities and lack of transparency in the selection process, a Division Bench of this Court *vide* Order dated 02.08.2018 in CM No.29614/2018 in W.P.(C) 7727/2018 had set aside the selection of the Indian team holding that the fresh trial should be video-graphed. This Court had also appointed a retired District Judge as an Observer of the selection process. An officer of the Ministry of Youth Affairs and Sports was to be nominated by the concerned Secretary, who was to be an officer not below the rank of Joint Secretary, to assist the Observer for selection of the Indian team.



5. It is stated that for the selection of the team for the Asian Games in the year 2023, a Selection Committee was constituted by the Amateur Kabaddi Federation of India. The said Committee comprised of the following persons:-

- I. Hon'ble Justice (Retd.) S.P Garg (the Administrator)
- II. Dr. Sunil Dabas (the Coach)
- III. Ms. Neeta Dadwe (the Coach)
- IV. Ms. Abhilasha Mhatre (the Coach)

6. It is stated that on 12.06.2023, Amateur Kabaddi Federation of India issued a notification for the trials for the core probable players for the Indian Women's Kabaddi team for the 19<sup>th</sup> Asian Games and the said trial was to be held at SAI Centre, Gandhinagar, Gujarat on 18.06.2023.

7. It is stated that during the course of the trials at Gandhinagar, unfortunately, the Petitioner fell ill and was admitted to the hospital for a day. It is stated that the member of the Selection Committee Ms. Sunil Dabas, came to check on the Petitioner in the hospital. It is stated that the erstwhile coach, Ms. Sunil Dabas, demanded a bribe of Rs.1 crore in exchange for securing the Petitioner's selection. It is further stated that the Petitioner was informed by Ms. Dabas that she would not be the sole beneficiary of the bribe and would have to distribute it amongst other people. It is stated that Petitioner made oral complaints about the alleged bribery to the concerned authorities.

8. It is stated that on 30.06.2023, Respondent No.4/Sports Authority of India decided to hold a Women's National coaching camp from 05.07.2023



to 26.07.2023 for the preparation of the upcoming 19th Asian Games. It is stated that 24 players along with 3 support staff and 3 coaches were approved for participating in the coaching camp.

9. It is stated that a notification was issued on 04.07.2023 stating the trials for the Indian Women's Kabaddi teams would be held in the Indira Gandhi Stadium, New Delhi on 09.07.2023 and the players were to report for trials on 05.07.2023. It is stated that the Petitioner also reported to the venue and trials were held on 09.07.2023.

10. It is stated that during the trials, no ex-player or any Government Observer were invited to attend the trials and no tally points were maintained or uploaded on the website of Respondent No.1/ Amateur Kabaddi Federation of India (AKFI). It is stated that the trials took place in a closed room and it was not disclosed as to which player was allowed to play for how many minutes during the trial or the rank of the players.

11. It is stated that in the writ petition that on 10.07.2023, the coaching camp shifted from Indira Gandhi Stadium, New Delhi to Patiala, Punjab. The players were informed that the change in venue was due to certain administrative difficulties and the coaching camp in Patiala, Punjab was continued till 26.07.2023.

12. It is further stated in the writ petition that Ms. Sunil Dabas, who had allegedly demanded a bribe from the Petitioner was removed and the players were not informed about the reasons behind her removal. It is stated that though Ms. Sunil Dabas has been removed as a coach, however, no action had been taken against her. It is alleged in the writ petition that there were other instances where bribes had been demanded from other players in exchange of guaranteed selection. It is stated that on 18.07.2023, the



Petitioner lodged a complaint with Respondent No.2/ Ministry of Youth Affairs & Sports.

13. It is stated that on 06.08.2023, during the coaching camp at Patiala, Punjab, it was announced that there would be more trials. It is stated that the Petitioner performed exceedingly well in the said trials and scored 17 points, however, one more trial was conducted on 13.08.2023. On the said date, the following persons were present for selecting the team, i.e., learned Administrator of Respondent No.1/AKFI, Mr. V K Maheshwari, Mr. Rambir Khokar and coaches Ms. Tejaswini Bai, Ms. Kavita and Ms. Satyawanti.

14. It is stated that on 25.08.2023, the list of players of the Indian Kabaddi team was announced for the 19th Asian Games and the Petitioner, who states that her performance had been stupendous, was not selected in the team. It is further stated that one of the players had not even participated in the trials on account of being physically unfit was also in the list of selected players. It is contended that selection of the team has been made without there being any independent Observer, and no minutes and records were maintained as the team had been selected even before the trials took place.

15. Contending that the selection of the Indian team for the discipline of *Kabaddi* has been done in a completely opaque manner, the instant writ petition has been filed.

16. Recording the contentions of the Petitioner, this Court issued notice on 06.09.2023. Counter affidavit has been filed by Respondent No.1/AKFI stating that the allegations regarding the demand of bribe is completely frivolous because no reason has been given by the Petitioner as to why she



had not made any complaint immediately after the alleged incident of demand of bribe.

17. It has been stated by the Respondent No.1 that the Petitioner has also not raised the complaint before the learned Administrator, who is a retired Judge of this Court. It is further stated that the alleged illegal gratification of Rs.1 crore by Ms. Sunil Dabas, for selecting the Petitioner in the team, has been made behind her back because she is not a party in the writ petition. It is stated that there is no complaint by the Petitioner either in oral or in writing which has been made to the Administrator, who is a retired Judge of this Court, even during his personal interaction with the players and coaches on 18.06.2023 and during his various other visits in the coaching camps on 09.07.2023 and 13.08.2023.

18. It is further stated that no complaint had been made to either Mr. V K Maheshwari, Advisor to the Administrator, AKFI or Mr. Deoraj Chaturvedi, Assistant Secretary, AKFI, who had visited the coaching camp at Patiala, Punjab on 06.08.2023

19. It is stated that the Petitioner has not lodged any complaint with the Police as well. It is also stated in the counter affidavit that other than making vague allegations that there were other instances of bribe being demanded in return of assured selection, no concrete instances have been given.

20. In the counter affidavit, it is stated that the removal of Ms. Sunil Dabas was for reasons entirely different from the allegation that she was demanding bribes. It is stated that the selection of the team has been made by the Selection Committee which consists of the learned Administrator, AKFI, who is a retired Judge of this Court, as well by coaches, who are Dronacharaya Awardees and Arjuna Awardees because of their contribution



to the game of Kabaddi.

21. Heard Dr. Menaka Guruswamy, learned Senior Advocate for the Petitioner, Ms. Nandita Rao, learned Counsel for Respondent No.1/ Amateur Kabaddi Federation of India, Mr. Anil Soni, learned CGSC for Respondent No.2/ Ministry of Youth Affairs & Sports, and Mr. Vikas Singh, learned Counsel for Respondent No.3/Indian Olympic Association.

22. Dr. Menaka Guruswamy, learned Senior Counsel for the Petitioner, contends that the selection of the team has been made contrary to the established guidelines. She states that the selection procedure is completely opaque and does not disclose as to how the team has been selected as well as the points which have been achieved by the players during the trials which could be the only basis for selection.

23. It is contended by Ms. Guruswamy that the fact that one of the coaches has been removed as well as the fact that there are allegations of demanding bribe in return of assured selection, necessitates for the entire selection of the team to be set aside and for a fresh selection process to be ordered. She also prays that the fresh selection should be video-graphed in its entirety and should be conducted in the presence of the independent Observer.

24. *Per contra*, Ms. Nandita Rao, learned Counsel for Respondent No.1/ AKFI, states that the entire selection process for women's Kabaddi team has been conducted in a completely transparent manner and under the aegis of Justice S P Garg, (Retd.), who has been appointed as an Administrator of the Respondent No.1/AKFI. It is further stated that the selection of the team consists of coaches who are Dronacharya Awardees and players who are Arjuna Awardees in the field of *Kabaddi*.



25. It is stated that the Petitioner has attended coaching camps and it is only after evaluating the performance of the players during the camps and the trials that the team has been selected. It is stated that the Ministry of Youth Affairs & Sports has designated 12 sports for which alone, National Observers have been appointed. It is stated that the fact that the selection of the team has been overseen by the learned Administrator, who is retired Judge of this Court, it cannot be said that there is any bias in the selection process.

26. Ms. Rao has taken this Court to the selection criteria which have been uploaded in the website of the Respondent No.1/Amateur Kabaddi Federation of India on the 08.04.2023. According to the said criteria, the Selection Committee under the Chairmanship of learned Administrator of the AKFI along with the coaches selected the team in a very transparent manner. It is also stated that in order to create a database of coaches, applications from coaches were invited from time to time by the Federation and the same were scrutinised and shortlisted on the basis of their qualification, experience and awards etc. and the Administrator selects the best possible coaches for being the members of the Selection Committee for every national championship/national camps.

27. It is stated that these coaches select the probable players on the basis of their regular performance in the National Championship. It is stated that after the National Championship, a list of several selected probable players was submitted to the Administrator, AKFI along with the certification by the coaches that the players who have been selected are the best players of the National Championship.

28. It is stated that outstanding players who could not play the National



Championship but had performed well in other *Kabaddi* competitions in the country were also considered for selection as a probable player to represent the country. The Core Probable Players were selected by the Selection Committee in that manner, which included the Petitioner. The Petitioner was selected as a probable player to represent the country and had participated in all the coaching camps and selection trials. It is stated that the selection process and the trial has been conducted completely on the basis of the selection criteria which had been uploaded on the website on 08.04.2023.

29. A perusal of the Counter Affidavit discloses that the coaches have been selected in a transparent manner and the Selection Committee consists of the learned Administrator, who is a retired Judge of this Court and has been appointed by this Court, Ms. Sunil Dabas, Padmashree/Dronacharya Awardee, Ms. Neeta Dadwe, Arjuna Awardee, and Ms. Satyawanti, Ex-Indian team coach and coach of Delhi.

30. Material on record discloses that the Administrator appointed by this Court has been very actively involved in the selection of the Indian team to represent the country in the Asian Games. The selection has been primarily done by experts in the field of *Kabaddi* and the selection criteria for the probable players had been uploaded in the website of Respondent No.1/AKFI on 08.04.2023 itself. The selection trial is a fair and reasonable procedure which according to Respondent No.1 has been followed scrupulously.

31. It is well settled that the jurisdiction of the writ courts under Article 226 of the Constitution of India while interfering with the administrative decisions is narrow, and unless the decisions by the administrative authority is such that which shocks the conscience of the Court and that it is



abundantly clear that unless the decisions arrived at are not in good faith or are unreasonable, writ courts do not interfere with such decisions and do not sit as an Appellate Authority, specially when the decision has been taken by experts in the field.

32. There is no material to show that the selection of the Indian team has been done keeping in view the interest of the country. In matters of selection of a team to represent the country, Courts must not ordinarily interfere with the selection criteria laid down by the National Sports Federation. The Petitioner has been a part of the coaching camp which was conducted in Delhi and Patiala, and has participated in selection trials. but has unfortunately not made it to the final team.

33. A Coordinate Bench of this Court in Shumel v. Union of India and Ors., **2010 SCC OnLine Del 4706**; Sushil Kumar v. Union of India & Ors., **2016 SCC OnLine Del 3660**; has categorically held that writ courts should not sit as an Appellate Authority on the issue of selection of players who have been selected after trials. Writ courts must not substitute its own judgments to decide whether a particular player ought to have been considered unless it is shown that the exclusion of the player concerned was because of extraneous circumstances. Courts should not substitute its judgment unless it is demonstrated that the decision has been taken in an arbitrary, capricious and perverse manner or contrary to well settled principles and practices. In fact, in Sushil Kumar v. Union of India (supra), this Court has observed 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)

34. This Court in Neha Thakur v. Union of India & Ors., W.P.10451/2023 and Alphia James v. Badminton Association of India & Ors., W.P.9638/2023, after placing reliance on Sushil Kumar v. Union of India (supra), and Swastika Ghosh v. Table Tennis Federation of India, (2022) 4 HCC (Del) 213, held that the decision as to who should represent India in the sporting events is up to the experts, and that in the matters of selecting the best possible players to represent India in the international competitive events, writ courts should not interfere. There cannot be interference by writ courts in the selection criteria laid down by the National Sports Federation concerned as well as on how the performance of the different candidates have to be evaluated, which is for the experts to decide.

35. In Paralympic Committee of India v. Naresh Kumar Sharma, 2018 SCC OnLine Del 8443, this Court has held that it is beyond dispute that in matters of policy decisions, the Court must be circumspect in interfering and exercising its powers of judicial review only to prevent manifest, arbitrary or *malafide* action and 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 experts.

36. It is well settled that writ courts must not substitute its own view with the view arrived at by a Selection Committee as Courts do not have the expertise to get into selection and finalisation of players for participating in international events unless it is shown that the manner of selection has been completely perverse or arbitrary.



37. Material on record indicates that the Petitioner's performance has been evaluated by experts who have found that other players are better suited than the Petitioner to represent the country in the forthcoming Asian Games. Material on record further indicates that the final short-listing of the players has been done by the Administrator in consultation with the coaches who are experts in the field.

38. This Court is of the opinion that the fact that selection process has not been video-graphed as directed by this Court in an order passed in W.P.(C) 7727/2018, would not vitiate that entire selection process. The Sports Code, 2011, also permits deviation from it, if it is approved by the Ministry of Youth Affairs & Sports. The fact that an Observer has not been appointed would also not vitiate the entire selection.

39. The Ministry of Youth Affairs & Sports has appointed a National Observer only for 12 events, which does not include *Kabaddi*. The fact that one of the coaches was removed cannot be a ground to accept the allegation made by the Petitioner that the said coach was removed for asking bribes. Other than the mere *ipse dixit* of the Petitioner, there is no material on record to demonstrate that the bribes were being taken in return of assured selections. As correctly pointed out, the Petitioner has not raised this complaint to the Administrator who was regularly interacting with the players in the coaching camps and during the selection trials. The Administrator and the Advisor to the Administrator were in regular interaction with the players.

40. In view of the above, this Court is not inclined to interfere with the selection process made by the Selection Committee which has been done by experts in the field of Kabaddi under the guidance of an Administrator, who



has been appointed by this Court to oversee the affairs of Respondent No.1/AKFI.

41. The writ petition is dismissed, along with pending application(s), if any.

**SUBRAMONIUM PRASAD, J**

**OCTOBER 04, 2023**

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