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

+ **W.P.(C) 5438/2024**

MANINI KAUSHIK

..... Petitioner

Through: Mr. Rajshekhar Rao, Sr. Advocate
with Mr. Yashraj Semant, Advocate.

versus

THE NATIONAL RIFLE ASSOCIATION OF INDIA & ORS.

..... Respondents

Through: Mr. Rajiv Kumar Choudhary,
Advocate for R-1.
Mr. Pavan Narang, SPC with Mr.
Himanshu Seth, Ms. Aishwarya
Chhabra, Advocates for UoI.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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31.05.2024

CM APPL. 34496/2024 (Exemption)

Allowed, subject to all just exceptions.

REVIEW PET. 241/2024

1. This Review Petition has been filed on behalf of the Petitioner seeking review of the Judgment dated 15.05.2024.
2. Petitioner had filed the instant Writ Petition seeking a direction to the National Rifle Association of India (NRAI)/Respondent No.1 herein to permit the Petitioner to participate in the Paris Olympic Selection Trials to be conducted in New Delhi from 18.04.2024 to 27.04.2024 and in Bhopal from 10.05.2024 to 19.05.2024 to select the Pistol and Rifle contingent for the 2024 Paris Olympic Games, in 50 meter Rifle 3 Position Women

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Category.

3. While dismissing the Writ Petition vide the Order dated 15.05.2024, this Court has passed the following order:

“18. Applying the law as enunciated by this Court to the facts of the present case, this Court is of the opinion that the criteria has been laid down by experts in the field. Nothing has been shown to this Court that the criteria as framed is perverse or would be hit by the Wednesbury Principle. The Respondents have selected the sportspersons who can take part in the selection trials as per the criteria. This Court cannot sit as an Appellate Authority either over the criteria or the selection of the sportspersons who have been selected to take part in the selection trials. This Court is of the opinion that the selection has been done in the best interest of the country and as per the norms which have been made applicable to all the sportspersons across the country. Nothing has been shown to his Court that the Petitioner has been deliberately omitted or that there has been any favoritism to select any sportsperson.

19. The grievance of the Petitioner that the Petitioner ought to have been sent to Rio De Janeiro to participate in the 2024 ISSF Final Qualification Championship Rifle so that she could have obtained a quota position for the Olympics cannot be accepted for the reason that the maximum number of quota positions had already been achieved by India and, therefore, the decision taken by the NRAI not to send the Petitioner or any other athlete to Rio De Janeiro cannot be said to be perverse.

20. Clause 4 of the guidelines for ISSF Final Olympic Qualification Championship Rifle/Pistol, Rio De Janeiro, Brazil, reads as under:



“4. Participation Individual Events Each ISSF Member Federation can enter a maximum of three (3) athletes per event. There will be no Qualification Ranking for the Olympic Games (QROG) nor ISSF Ranking Points (RPO). Athletes who have already obtained a Quota Place for the Paris 2024 Olympic Games are allowed to participate in this Championship.”

21. A perusal of the said clause indicates that there will be no Qualification Ranking for the Olympic Games (QROG). The Petitioner, therefore, could not have improved her already achieved QROG ranking of 4th Rank and in any event the decision taken by the NRAI that since maximum permissible quota has already been achieved and, therefore, no useful purpose would be served by sending any Indian for the ISSF Final Olympic Qualification Championship Rifle/Pistol, Rio De Janeiro, Brazil, cannot be found fault with.

22. In view of the fact that 2023 Criteria is not under challenge, the fact that there is a valid rationale behind amending the 2022 Criteria and also the fact that the Petitioner has not been able to make much of her grievance that she has not been permitted to go to Rio De Janeiro to participate in the ISSF Final Olympic Qualification Championship Rifle/Pistol, this Court is not inclined to interfere with the decision taken by the NRAI in not selecting the Petitioner for the Olympic Selection Trials. ”

4. Aggrieved by the said Order, the Petitioner filed an appeal, being LPA No.427/2024. Since the Trials had already been conducted, the LPA was disposed of as infructuous by the Division Bench of this Court *vide* Order dated 24.05.2024. The said Order dated 24.05.2024 reads as under:



"1. Present appeal has been filed by the appellant challenging the order dated 15th May, 2024 passed by the learned single judge of this Court in WP(C) No.5438/2024 whereby the decision of the respondent no.1 for not selecting the appellant for the Olympic selection trials was upheld.

2. Learned senior counsel for the appellant states that the appellant has been treated very unfairly.

3. However, a perusal of the paper book reveals that the prayers in the underlying writ petition have become infructuous, inasmuch as, the writ petition had been filed seeking permission to the petitioner (therein) to participate at the Paris Olympic selection trials to be conducted in New Delhi from 18th April, 2024 to 27th April, 2024 and in Bhopal from 10th May, 2024 to 19th May, 2024.

4. Accordingly, as both the events have already been held, the present appeal is disposed of as infructuous.

5. However, in the event the appellant has any other grievance, she is at liberty to agitate the same in accordance with law. The rights and contentions of all the parties are left open."

5. The reason given by the Division Bench for not entertaining the LPA will squarely apply to the review petition as well. The trials are over.

6. In any event, the Petitioner has not been able to point out any error apparent on the face of the record. Rather, the Petitioner has chosen to re-agitate the same issue as has been raised in the Writ Petition.

7. In view of the fact that the Trials have already been concluded and also in view of the fact that the Petitioner has not been able to point out any error apparent on the face of records, this Court does not find any reason to



review its Judgment dated 15.05.2024.

8. Accordingly, the Review Petition is dismissed, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MAY 31, 2024

Rahul