

(2023) 04 DEL CK 0016

In the Delhi High Court

Case No : Civil Writ Petition No. 2966 Of 2023, Civil Miscellaneous Application
No. 11567 Of 2023

Anuj Kumar And Ors.

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 05-04-2023

Acts Referred:

Citation : (2023) 04 DEL CK 0016

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Rahul Rathore, Narender Hooda, Shaurya Lamba, Manish Mohan,
Jatin Teotia

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J

1. This hearing has been done through hybrid mode.
2. The Petitioners are professional wrestlers, Mr. Anuj Kumar- Petitioner No. 1, Mr. Chander Mohan- Petitioner No. 2, Mr. Vijay- Petitioner No.3, Mr. Ankit- Petitioner No.4 and Mr. Sachin Mor- Petitioner No.5, who have filed the present petition. The Petitioners are aggrieved by the rejection of their candidature for the trials which are commencing tomorrow i.e., 10th March, 2023 for selection for the Asian Championship 2023. It is the case of the Petitioners that only wrestlers who participate in the Asian Championship 2023 will be able to represent India in the 2023 Senior World Championship which are also the Olympic qualifiers.
3. The background of each of the Petitioners as per the petition is as under:
 - i. Petitioner No.1 secured a gold medal in the 65 Kg freestyle category in the 36th National Games organised by the Indian Olympic Association held at Gujarat. He secured 1st position in the 65 Kg freestyle category in the First National Ranking Tournament FS, GR, & WW organised by the WFI. Moreover,

Petitioner No.1 had also qualified for the Under 23 World Championship, 2022 held in Spain. However, he could not travel due to the rejection of his visa.

ii. Petitioner No.2 secured second position in the 79 Kg freestyle category at the Under-23 FS, GR & Women National Wrestling Championship held in Kochi, Kerala. He also secured first position in the 79 Kg freestyle category at the 1st Under 17 WFI Grand Prix Wrestling Tournament held in Haridwar, Uttarakhand. Similar to Petitioner No.1, Petitioner No.2 also qualified for the U-23 World Championship, 2022 held in Spain but he also could not participate due to rejection of his visa.

iii. Petitioner No.3 secured a gold medal in the Under-20 (Junior) FS, GR, Style & Women National Wrestling Championship conducted by WFI in Patna. He also secured gold medal in 74 Kg freestyle category in 2021 Junior Boys Freestyle Wrestling Championship held in Noida, Uttar Pradesh.

iv. Petitioner No.4 secured bronze medal in 65 Kg freestyle category in the Under-17, World Championship, 2022 held in Rome, Italy. He also secured a gold medal in the 65 Kg freestyle category in the 1st U-17 National Open Ranking Wrestling Tournament, in FS, GR, WW, held at Panchkula, Haryana.

v. Petitioner No.5 secured a gold medal in 80 Kg freestyle category in Under-17 World Championship held at Rome in 2022 and also secured 2nd Position in 92 Kg freestyle category in the 2nd WFI Grand Prix Wrestling Tournament in Under-17 FS, GR, WW held at Rohtak, Haryana.

4. The case of the Petitioners is that they are meritorious wrestlers who have won several medals, both at the national and international level. The 2023 Asian Championship is to be held from 9th April, 2023 to 14th April, 2023 in Astana, Kazakhstan. For the said games, the trials are scheduled on 10th March, 2023 and 11th March, 2023. The Oversight Committee which has been appointed by Respondent No.1 to run the Wrestling Federation of India/Respondent No.2 has fixed the criteria for selection of wrestlers to participate in the trials for the Asian Championship, 2023 as under:

“1.1 Criteria for shortlisting of Athletes for Trials

A wrestler will become eligible to take part in the Asian Championship trials if he/she has been a medallist in at least one of the following events:

- o 2023 1st Ranking Series Zagreb Open
- o 2023 2nd Ranking Series, Ibrahim Moustafa Open, Egypt
- o 2022 Senior Nationals Championship, Vizag
- o 2022 World Championship
- o 2022 Commonwealth Games
- o 2022 Asian Championship

- o 2022 U-23 World Championship
- o 2022 U-20 World Championship
- o 2022 U-20 Asian Championship
- o 2022 U-23 Asian Championship

Based on the above criteria, 160 Athletes (55 in Freestyle, 46 in Greco Roman, 59 in Women Wrestling) are eligible to take part in the Asian Championship.

Once an athlete fulfils the eligibility criteria, he/she may change their weight category based on their preference for participation in the trials.”

5. On 9th March, 2023, this Court had considered the matter and after perusing the criteria which was fixed by the Wrestling Federation of India (‘WFI’) had observed as under:-

7. A perusal of the above criteria would show that except one championship, all the other championships which are mentioned as the criteria for qualifying for the trials are international championships. Even the National Games organised by the Indian Olympic Association (IOA) have been excluded from the said criteria.

8. A perusal of the petition shows that the Petitioners are meritorious wrestlers who won medals and secured podium positions in several national and international games. As per the Petitioners, on 2nd March, 2023, they were informed that they did not qualify for the trials which were to commence from 10th March, 2023. The Petitioners wrote emails on 3rd March, 2023 to the Oversight Committee. However, the said Representations were rejected on 6th March, 2023 with the following email:

“Based on the selection criteria prescribed by the Oversight committee members, you are not meeting the eligibility criteria for participation in the trials. Hence, we cannot consider your name for inclusion in the trials for the Asian Championship 2023.”

12. The Court has heard Id. Counsel for the parties and perused the record. The Court finds that the criteria which has been published excludes a large number of medal winners in national and international games. The reason for exclusion is not evident at this stage, inasmuch as the Petitioners are undisputedly medal winners in several national and international games as described in the petition. The purpose of the trials is to ensure that the best sports persons participate in the championship. The exclusion of National Games organised by the Indian Olympic Association on the one hand and recognising the 2022 Senior Nationals Championship appears to have adversely affected the Petitioners. Moreover, a perusal of the schedule of the trials which has been placed on record shows that there are only two days on which the trials are to be held i.e., 10th and 11th March, 2023. The said schedule is set out below:

“2.0 Schedule for the trials

Trials for Asian Championship will be held as per the schedule mentioned below:

A. Bouts of Freestyle & Greco Roman Wrestlers for all weight categories: 10.03.2023.

B. Bouts of Women Wrestlers for all weight categories: 11.03.2023

o Weigh in will be held only between 8 AM to 8:30 AM for Freestyle & Greco Roman Wrestlers on 10.03.2023. For Women Wrestlers, weigh in will be held only between 8AM to 8:30 AM on 11.03.2023.

o Starting time of bouts: 10:30 AM on 10.03.2023 & 11.03.2023 "

13. Considering the schedule for the trials, irreparable prejudice would be caused to the Petitioners if they are not permitted to participate in the trials, as they would in effect be excluded from competing for the Asian Championship 2023 as also the Paris Olympics 2024. Considering this position, and the fact that talented wrestlers like the Petitioners ought not to be excluded as there ought to be greater talent to compete in the trials, this Court is of the opinion that the Petitioners ought to be permitted to participate in the trials tomorrow i.e., 10th March, 2023 and on 11th March, 2023 in their respective categories. The Petitioners shall be permitted to compete in the trials and shall be judged on their own merit.

14. However, this permission to participate in the trials shall not be construed as an opinion of the Court of their inter se merit with other wrestlers, on which point the decision would be taken by the Selection Committee.

15. Let Respondent No.1 and 2 file a short affidavit explaining the basis of the criteria adopted by the Oversight Committee including the reason behind the exclusion of National Games from the qualification criteria. Let the counter affidavit be filed within two weeks.

6. Today, an affidavit dated 31st March 2023 has been filed by Mr. Manish Mohan, CGSC on behalf of the Respondent No. 1-Ministry of Youth Affairs and Sports. The same has been deposed by Shri Shiv Pratap Singh Tomar who is a Director in the Respondent No. 1. As per the said affidavit, the Respondent No. 2-Wrestling Federation of India (WFI) is recognised as the National Sports Federation for promotion of wrestling in the country.

7. In view of the various allegations of sexual misconduct and arbitrariness against certain officials, an Oversight Committee was appointed by the Respondent No.1- Ministry, to be headed by Ms. Mary Kom to enquire into the allegations. The said affidavit also states that the criteria for selection trials was prepared and the circulated directives on 1st March, 2023 and was uploaded on the website of the Respondent No.2-WFI.

8. Finally, the Court has been informed that all the five Petitioners were permitted to participate in the selection trials in compliance of the order dated 9th March 2023. The said trials were conducted on 10th March, 2023 and 11th

March, 2023 and one of the Petitioners was, in fact, selected for the Asian Championship, 2023. The extract of the said affidavit is set out below:-

"6. That as per Sports Code, NSFs are primarily responsible for judicious selection of national teams for participation in major international events bases on merit and with the objective of enhancing national prestige and bringing glory to the country. It has been provided in the Sports Code that selection of sportspersons for participation in major international events shall be the prerogative of the NSFs concerned. There is no direct involvement of Ministry in the selection process. However, NSFs have to ensure that the selection process is fair and transparent and the selection criteria are made known to all stakeholders well in advance.

7. That the Answering Respondent has recognised 'Wrestling Federation of India of India' (hereinafter referred as "WFI") as National Sports Federation for the promotion of 'Wrestling' sport in the country. However, in the wake of allegations of sexual misconduct and arbitrariness in function of the Federation, the Ministry had appointed the Oversight Committee for Wrestling Federation of India headed by Ms. M.C. Mary Kom, Olympic Medallist and Major Dhyan Chand Khel Ratna Awardee, to enquire into allegations of sexual misconduct, harassment and /or intimidation, financial irregularities and administrative lapses levelled by prominent sportspersons and to undertake day-to-day administration of Wrestling Federation of India.

8. That therefore, in the instant case, the said Oversight Committee has taken the task of selection of national teams for participation in major international events. The Oversight Committee had prepared the criteria for selection trials and circulated the directives on 1st March, 2023 and the same were also uploaded on website of the Wrestling Federation of India. Copy of the directives, which includes criteria of short-listing the athletes for trials is being annexed herewith and marked as ANNEXURE R1/1.

9. That in compliance of the directions of the Hon'ble Court as contained in order dated 09.03.2023 in the instant writ petition, the Oversight Committee had allowed all five Petitioners to take part in selection trials conducted by Oversight Committee on 10-11th March, 2023 for Asian Championship, 2023. All 5 Petitioners have participated in the selection trials. Based on results of the selection trials, one of the Petitioners namely Shri Anuj Kumar has been selected for coaching camp for the Asian Championship, 2023 scheduled to be held at Astana, Kazakhstan from 9th 14th April, 2023."

The affidavit of the Respondent No. 1-Union of India be placed on record.

9. Ld. counsel for the Petitioners confirms that all the Petitioners had participated in the selection trials, and Petitioner no. 1-Shri. Anuj Kumar stood first and has been selected for coaching for the Asian Championship, 2023 to be held in Kazakhstan.

10. Considering the fact that the Petitioners have been permitted to participate in the trials and the selection has taken place on the inter se merit of the wrestlers, Id. Counsel for the Petitioners submits that no further directions are sought by the Petitioners.

11. The present petition with all pending applications, if any, is disposed of as having been satisfied in the above terms.