

(2023) 03 DEL CK 0077

In the Delhi High Court

Case No : Civil Writ Petition No. 2966 Of 2023

Anuj Kumar And Ors

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 09-03-2023

Acts Referred:

Citation : (2023) 03 DEL CK 0077

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Rahul Rathore, Narender Hooda, Saurya Lamba, Manish Mohan,
Vikash Singh

Judgement

Prathiba M. Singh, J

1. This hearing has been done through video conferencing.

CM APPL. /2023 (for exemption)(to be numbered)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) ____/2023 & CM APPL. ____/2023(for interim directions) (to be numbered)

3. This matter has been listed for hearing on 9th March, 2023, a holiday in view of urgent relief sought in the petition.

4. The Petitioners who 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 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.

5. 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.

6. 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.”

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.”

9. Thus, it is the case of the Petitioners that it was only on 6th March, 2023 that the Petitioners were informed of the actual criteria which is set out above. Hence the prayer of the Petitioners is that they ought to be permitted to participate in the trials.

10. Mr. Rathore, Id. Counsel appearing for the Petitioners submits that there are no allegations of bias against the Oversight Committee by the Petitioners, as the WFI is now being overseen by celebrated sport persons. The exclusion of the Petitioner from the trials, however, would be arbitrary inasmuch as the highest games which are held in India are the National Games, whose medal winners

have also been excluded by the criteria. He submits that in the case of two Petitioners, unfortunately, they could not participate in the World Championship, 2022 only due to visa rejections. It is submitted by Mr. Rathore, Id. Counsel that in the past, medalists from National Games and other international events were usually allowed to participate in the trials. It is, thus, prayed that the Petitioners be permitted to participate in the trials so as to include more wrestlers and then the best can be chosen for the championship.

11. Mr. Manish Mohan, Id. Counsel appearing for Respondent Nos. 1 & 2 submits that there were various allegations against the earlier office bearers of the WFI. This led to the appointment of the Oversight Committee by the Ministry of Youth Affairs and Sports towards the end of January, 2023. The said Oversight Committee consists of celebrated sportspersons like Ms. M.C Mary Kom, Mr. Yogeshwar Dutt, Ms. Babita Phogat. The qualification criteria has been fixed by the said Committee and, unfortunately, the Petitioners do not meet the criteria.

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.

16. List on 5th April, 2023.

17. Order be uploaded forthwith. Considering that the writ petition is yet to be numbered, the Court Master may communicate the digitally signed order to the parties via email.