



2026:DHC:5180

§  
\***IN THE HIGH COURT OF DELHI AT NEW DELHI****Reserved on: 25<sup>th</sup> June, 2026****Pronounced on: 29<sup>th</sup> June, 2026**

+ W.P.(C) 8329/2026, CM APPL. 39218/2026 &amp; CM APPL. 39219/2026

SUDIPTI HAJELA

.....Petitioner

Through: Mr. Kirtiman Singh, Sr. Adv. with  
Ms. Kritika Gupta, Mr. Mohit Kumar  
Sharma, Mr. Maulik Khurana, Mr.  
Ritwik Saha, Advs. along with  
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versus

EQUESTRIAN FEDERATION OF INDIA &amp; ORS. ....Respondents

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2026:DHC:5180



+ W.P.(C) 8290/2026, CM APPL. 39120/2026 & CM APPL.  
39121/2026

ANUSH AGARWALLA

.....Petitioner

Through: Mr. Rahul Mehra, Senior Advocate  
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versus

AD-HOC COMMITTEE FOR GOVERNANCE OF EQUESTRIAN  
FEDERATION OF INDIA & ORS. ....Respondents

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**CORAM:  
HON'BLE MS. JUSTICE MINI PUSHKARNA**

**JUDGMENT**

**MINI PUSHKARNA, J.**

1. The present writ petitions have been filed challenging the selection process carried out by the respondents, in bringing out the selection list dated 16<sup>th</sup> June, 2026 issued by the respondent no. 1, i.e., Ad-hoc Committee of Equestrian Federation of India (“**EFI**”) for participation in Equestrian Discipline of Dressage in the upcoming Asian Games to be held in Japan from 19<sup>th</sup> September, 2026 to 04<sup>th</sup> October, 2026. The EFI is the National Sports Federation for Equestrian Sports in India, recognised by the Ministry of Youth Affairs and Sports, Government of India, the Indian Olympic Association (“**IOA**”) and the *Federation Equestre Internationale* (“**FEI**”).

2. As per the selection list, six sports persons have been chosen for participation in the Asian Games, 2026 in the discipline of Dressage, with both the petitioners having been kept in the Reserve List. While the petitioner in *W.P.(C) 8290/2026* has been selected as Reserve no. 1, the petitioner in *W.P.(C) 8329/2026*, has been selected as Reserve no. 2. Both the petitioners seek directions to set aside the impugned selection list dated 16<sup>th</sup> June, 2026, and seek their inclusion in the final selection list for the Asian Games, wherein, four sports persons have been selected, and placed above the present petitioners, who have been kept only as Reserves.

3. The petitioner in *W.P.(C) 8290/2026* seeks that his score for the event held in Hagen, Germany from 22<sup>nd</sup> April, 2026 to 26<sup>th</sup> April, 2026 for Prix St. Georges (“**PSG**”) be taken for the purpose of calculation of his Minimum Eligibility Requirement (“**MER**”), which if taken, would place



the petitioner in the top four athletes in the selection list, thereby, making him eligible for participation in the upcoming Asian Games. He further alleges bias in the selection on account of Mr. Kapil Modi being part of the Selection team, since there are litigations pending between the petitioner/his parents with Mr. Kapil Modi.

4. The petitioner in *W.P.(C) 8329/2026* has challenged the decision-making process for the selection, and also prays for quashing of the selection list notified by respondent no. 1 on 16<sup>th</sup> June, 2026 for the Indian Dressage Team for the 20<sup>th</sup> Asian Games, 2026. The said petitioner seeks redrawing of the selection list on the ground that the process followed by the respondents for taking the MERs is flawed, as Team MERs had to be taken for the purpose of awarding ranks to different sports persons, and only after that, individual scores of the respective sports persons were to be considered. Therefore, error has been committed by the respondent no. 1/EFI by taking into consideration the individual MERs/scores of the respective sports persons for the purpose of ranking them and selecting the sports persons on the said basis. Thus, as per the petitioner in *W.P.(C) 8329/2026*, the respondents have prepared the selection list by taking into consideration, performances which do not constitute validly achieved MERs.

5. The present petitions concern the selection of the Indian Dressage Team for participation in the 20<sup>th</sup> Asian Games, scheduled to be held in Japan from 19<sup>th</sup> September, 2026 to 04<sup>th</sup> October, 2026. The Dressage Event consists of three tests, i.e., PSG, Intermediate I and Intermediate I Freestyle. Scores in all the three tests are considered as one MER. In case of riders living abroad, if an event does not have all the three tests, then, such riders



may participate in these tests in other competitions to acquire the MERs.

6. The entire selection framework for selecting the members of the team for the Dressage Event is prescribed in the Selection Criteria Version 4.0 (“**Selection Criteria**”) issued by the EFI which prescribes the MERs and technical standards required for participation in Dressage Event. Certain amendments were carried out in the said Selection Criteria on 17<sup>th</sup> April, 2026.

7. As per the Selection Criteria, the Dressage Riders were required to achieve the prescribed MERs through participation in recognized competitions. The Selection Criteria provides that horse-rider combinations would be evaluated on the basis of their best two valid MER results. Further, riders would be ranked based on the highest cumulative percentage scores achieved across such results.

8. The Dressage Event at Asian Games pertains to small tour team selection. The relevant clauses of the Selection Criteria, as amended on 17<sup>th</sup> April, 2026, are as follows:

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**3. Events, Team Composition & Entries** *The events shall consist of both Team and Individual competitions across all three discipline viz Dressage, Show Jumping and Eventing at the 20<sup>th</sup> Asian Games, scheduled to be held in Aichi-Nagoya, Japan, from 19 Sep to 04 Oct 2026, subject to confirmation by the Aichi-Nagoya Asian Games Organising Committee (AINAGOC):-*

**(a) Team sizes shall be limited to a maximum of four (4) riders per discipline, of whom three (3) will compete for the team score and the fourth shall serve as the drop score, in accordance with the quotas prescribed by the OC and the applicable FEI rules.**

*(b) Entries may be made either for teams or where it is not feasible to constitute a full team, as eligible individual entries, strictly subject to the entry quotas and conditions laid down by the AGOC and the FEI.*



#### **4. Qualifying Window & Structure**

(a) **The qualifying window for selection trials shall be from 15 Nov 2025 to 15 June 2026.** The cut-off date (15th June 2026) is set to accommodate veterinary protocols, logistical movements, any training camps, pre-export/import quarantine, other logistics/administrative requirements prior to the Asian Games cut - off date for definitive entries and the cut - off date of the Indian Olympic Association (“IOA”).

(b) **Competition Structure:** 20th Asian Games-2026, AICHI-NAGOYA, JAPAN is based on the technical standards of Dressage, Show Jumping and Eventing as given below: -

(i) **Dressage, Competition overview in 20<sup>th</sup> Asian Games 2026:** - The team and the individual competitions will be held in a mixed format competition

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**(ab) Small tour tests:**

- **Team Competition & 1st Individual Qualifier Competition: FEI Prix St Georges**
- **2nd Individual Qualifier Competition: FEI Intermediate I**
- **Individual Final Competition: FEI Intermediate I Freestyle.**

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#### **5. Attempts, Timelines & Communication**

(a) **Attempts- A horse-rider combination may compete in up to four (04) nominated qualifying competitions during the MER window, in each particular discipline separately (Dressage, Show Jumping and Eventing) unless otherwise specifically provided.**

**For the purposes of determination of comparative merit, only the best two (02) results in which MERs have been achieved within the prescribed limits shall be considered. It is further clarified that, out of the MERs considered for merit, at least one (01) MER must have been achieved within the period 17 April 2026 to 15 June 2026, failing which the combination shall not be eligible for selection.** This requirement is mandatory and non-negotiable and is intended to ensure that only those horse-rider combinations demonstrating current form, fitness, soundness, and competitive readiness are considered for final selection.

**(b) Selection Procedure**

(i) Up to six (6) riders, to be called Probables, shall be shortlisted



per discipline (Dressage, Show Jumping, and Eventing) on the basis of comparative merit of each horse–rider combination. To be eligible for inclusion in the list of probables, a combination must achieve at least one (1) valid MER within the prescribed limits, and a minimum of one (01) attempt out of three (3) competitions is compulsory.

(ii) **In Dressage, the highest cumulative score will decide merit** and in Jumping and Eventing, the combinations with the least cumulative penalties across two (02) MER results shall be considered as probables.

(iii) These six probables in each discipline shall be shortlisted based on MER/Results in selection trials, the three/four riders with the leading scores (highest in Dressage, lowest penalties in Show Jumping, and least cumulative penalties in Eventing) shall be selected as the final Team India nominees for each discipline based on the merit.

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8. **Dressage (Team & Individual)** Discipline Specific Prerequisites/Technical Standards for Selection Qualifiers/ Trials in India and abroad.

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(b) **Minimum Eligibility Requirements(MER) of FEI** : All participants must achieve the following qualifying result (MER) of FEI between **01 Jan 2025** and the deadline for submission of **Nomination Entries, which is 15 June 2026**. At that time, **Certificates of Capability** must also be submitted along with the Entries.

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(ii) **For Small tour level:** In order to qualify for participation at the 2026 Asian Games, Athletes and Horses must have attained (as a combination) a result of at least **62%** attributed by the Ground Jury in a Prix St. Georges and/or Intermediate I at two different CDII\* or CDIOI\* events, **from 1st January 2025 until the date of nominated entries (deadline is 15 June 2026 as per requirement of IOA).**

(c) **Team composition:-** The team must be composed of at least 1 (one) Small Tour Athlete-Horse combination and up to 2 (two) Big Tour Athlete-Horse combinations.

(d) **Dressage – EFI- Minimum Eligibility Requirement (MER) as per**



### Selection Criteria

#### (i) Mandatory Completion of All Three Tests:

The requirement of participation in, and achievement of the prescribed qualification scores across, all three tests shall be mandatory and shall be interpreted strictly, both in letter and in spirit.

(i) A horse–rider combination shall be deemed to have achieved one (01) valid Minimum Eligibility Requirement (MER) (for Team and/or Individual consideration) only upon mandatory participation in all three prescribed tests, namely:

- Prix St. Georges (PSG) / Grand Prix (as applicable),
- Intermediate I / Grand Prix Special, and
- Intermediate I Freestyle / Grand Prix Freestyle.

(ii) Each of the above tests must **independently meet the prescribed qualification benchmarks**, wherever applicable, in accordance with Version 4.0 of the Selection Criteria.

(iii) No exemption, relaxation, or deviation from the above requirements shall be permitted under any circumstances.

(iv) This requirement is introduced in recognition of the 20<sup>th</sup> Asian Games 2026 competition format, which mandates performance across all three tests, and is intended to ensure that only those horse–rider combinations demonstrating complete competitive preparedness at the international level are considered for selection.

#### (ii) Selection for Dressage Team

(aa) A team shall consist of three/four athlete–horse combinations, including **at least one (1) Small Tour and up to two (02) Big Tour** combinations. If four riders are allowed by the Organising Committee/FEI, **the best three (03) scores** will count.

(ab) **EFI MERs for Team** – EFI MERS for selection of Team are as under:-

#### Small Tour Tests

- Team Competition & 1st Individual Qualifier Competition:
  - ✓ FEI Prix St Georges: **66%**
- 2nd Individual Qualifier Competition:
  - FEI Intermediate-I: **Participate**
  - Individual Final Competition:
    - ✓ FEI Intermediate I Freestyle: **Participate**

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#### (iii) Selection for Dressage Individual

(ab) Individual nominations shall be made only if a team cannot be



constituted. In that case, EFI may nominate **up to two (2) individual combinations** (either Small Tour or Big Tour) who have achieved the FEI MERs(CoC) and the EFI MER for selection (ac) **EFI MERs for Individual** – EFI MERs for selection of Individual entries are as under:-

#### **Small Tour Tests**

- Team Competition & 1st Individual Qualifier Competition:
  - ✓ FEI Prix St Georges: **Participate (Subject to obtaining FEI MER i.e. CoC)**
- 2nd Individual Qualifier Competition:
  - ✓ FEI Intermediate-I: **69%**
  - Individual Final Competition:
    - ✓ FEI Intermediate I Freestyle: **69%**

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**(e) For riders based abroad, in case the competitions do not have any of these three tests, they may participate in these tests in other competitions in subsequent days to acquire MERs for the Team or Individual categories with mandatory prior intimation to EFI. For an individual / team selection, a horse-rider combination shall attempt in three trials for each Test in Small or Big tour to be conducted under the aegis of the EFI in India and in FEI CDIs and CDIOs competitions to be held abroad.**

**(f) Merit Calculation** Only horse-rider combinations that meet the FEI MERs(CoC) and EFI selection criteria MERs will be considered for selection. For comparative merit, the best two valid results from MER level competitions will be taken into account. Riders will be ranked on the basis of the highest cumulative percentage scores across these two results. The comparison will first be made between those combinations who have achieved two MERs, then those who have achieved only one MER each. **While considering the composition of the team, all combinations who have attained MERs in Individual category will be placed higher in merit over those who have attained MERs in the Team category only. EFI will publish a Provisional Merit List of six (6) probables from which the final Team and/or Individual nominations will be confirmed.**

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#### **13. Order of Merit for Probables**

(a) Only the horse-rider combinations that have achieved EFI MER as per Selection Criteria laid down for the 20th Asian Games 2026 trials, will be considered for selection.

(b) Only penalties/scores attained in trials in which the horse-rider



combinations have attained the **best of two MERs** will be considered to arrive at the order of merit. At least **One(01) MER** should have been acquired mandatorily in the new set of trials to be held during the period from **15 Nov 2025 to 14 June 2026**. (refer to Selection criteria as per each discipline above)

(c) If the horse selected in a horse-rider combination becomes unsound after selection for any reason, the combination standing next in merit will take its place. The original rider may not claim the same position in the list on a different horse unless that combination happens to be next in the order of merit on the list.

(d) Amongst riders having the same number of MERs, their relative merits will be decided based on the aggregate of scores / penalties. A rider with a higher cumulative score for Dressage or a lesser cumulative penalty for Show Jumping and Eventing, will be placed higher than the others. (ref. to Selection criteria as per each discipline above)

(e) In the event of equality of MERs and scores in Dressage or penalties in Eventing, the merit will be decided as per FEI Rules. In case of Show Jumping, it will be decided on lesser cumulative penalties. In the event of equality in the penalties, the speeds of the second round of jumping in qualifying competitions (length of course divided by time taken) in which MERs have been achieved will be considered. A horse-rider combination with higher average speed will be placed higher in merit.

(f) While deciding the order of merit for Eventing, the comparison will first be made between those combinations who have achieved two MERs, then will come those who have achieved only one MER each.

**(g) While deciding the order of Merit for Dressage, the best two valid results from MER level competitions will be taken into account. Riders will be ranked on the basis of the highest cumulative percentage scores across these two results. The comparison will first be made between those combinations who have achieved two MERs, then those who have achieved only one MER each. While considering the composition of the team, all combinations who have attained MERs in Individual category will be placed higher in merit over those who have attained MERs in the Team category only.**

(h) While deciding the order of merit for Jumping the comparison will first be made between those who have achieved two MERs at Individual Trial format and they will be placed above others. Then the combinations who have achieved two MERs at Team Trial formats will be compared and placed in the merit. Then the combinations which have achieved only one MER at Individual Trial format will be placed. In the end the combinations who have achieved only one MER at Team Trial format will



be placed.

**(i) Based on the order of merit, a team of six riders, including reserves as set out above, will be selected for each discipline for further training under the aegis of the EFI. These riders will be trained either in India or abroad, subject to the availability of budget and such other conditions as may be determined by the EFI.**

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**15. Selection of Final Teams for 20<sup>th</sup> Asian Games 2026**

**(a) Selection is Provisional. All selected combinations in all the disciplines will be considered as 'Probables' till the EFI, in consultation with Selection Committee and coaches for each discipline, again reviews the entire selection process before submission of final entry for Asian Games.** Fitness of riders and horses, suitability of horse-rider combinations, performance during coaching camps and merit ascertained from competitive exposures will be of paramount importance and will be taken into consideration for final selection of teams / individuals in order to ensure that the best are selected to win medals for the country.

**(b) Competitions during Training Period. Horse-rider combinations selected as 'Probables' will be required to participate in competitions at venues to be decided and facilitated by the EFI to provide necessary competitive exposure, ensure maintenance of fitness, form and to enable the Selection Committee to take a call on the final order of merit, based on which, the teams for the three disciplines will be finalized.**

**(c) Change of Horses.** In case a rider attains MER on different horses, only his/her top two horses shall be accepted in the list of six probable's as per merit list. A rider in the top four positions may, in consultation with the coach, be allowed to switch his/her horse on which he/she has been placed in the top five positions on two horses.

**(d) Selection of Manager & Chef d'Equipe.** Selection Committee will also select the Manager and Chef d' Equipe of the Indian Equestrian Team based on competence, experience, exposure and knowledge of rules and regulations of the sport by 31<sup>st</sup> March 2026. The nominated persons should be in a position to meet the administrative/managerial requirements of the Team. The manager is required to take on responsibilities immediately on declaration of Probables so that the riders and coaches are free to concentrate on training/competition. The manager will be attached with the team from the day of declaration of Probables to organize all administrative aspects right until the dispatch of the riders and horses to their respective destinations on completion of the 20<sup>th</sup> Asian Games 2026. The Chef d' Equipe shall be responsible for overall coordination between teams, NF and AINAGOC.

**(e) Questions not Addressed/Unforeseen Matters** Any matter that has not



*been addressed in these criteria that may arise at any stage will be put up to the Selection Committee for consideration. The decision taken collectively by the Selection Committee and Executive Committee will be considered final and binding.*

*(f) **Rights to Make Amendments to the Selection Criteria.** EFI reserves all rights to make amendments to these Selection Criteria, should it become necessary, to do so under compelling circumstances.*

*xxx xxx xxx”*

*(Emphasis Supplied)*

9. Perusal of the aforesaid Selection Criteria brings forth the following:
  - I. Every horse-rider combination may participate in the prescribed qualifying competitions and for determination of comparative merit, the best two results out of four in which MERs have been achieved, shall be considered.
  - II. At least one such MER must have been achieved within the period of 17<sup>th</sup> April, 2026 to 15<sup>th</sup> June, 2026.
  - III. Only horse-rider combinations achieving the prescribed MERs shall be eligible for consideration.
  - IV. All participants competing in the Dressage Discipline are required to participate in all three tests of the small tour, i.e., PSG, Intermediate I and Intermediate I Freestyle.
  - V. While considering the composition of the team, all combinations who have achieved MERs in individual category will be placed higher in merit over those who have achieved MERs in the team category only.
  - VI. Among riders having the same number of MERs, Individual MER combinations rank above Team MER combinations.
  - VII. Among riders having the same number of MERs, their relative merits will be decided based on the aggregate of scores.
  - VIII. While deciding the order of merit, the best two valid results from



MER level competitions will be taken into account.

- IX. Riders will be ranked on the basis of the highest cumulative percentage scores across the best two results. A rider with higher cumulative score will be placed higher than the others.
- X. Riders based abroad participating in selection trials must intimate the EFI at least seven days prior to the date of first horse inspection for each trial.
- XI. For riders based abroad, in case the competitions do not have any of the three tests, i.e., PSG, Intermediate I and Intermediate I Freestyle, they may participate in these tests in other competitions in subsequent days to acquire MERs for the team or individual categories, with mandatory prior intimation to EFI.

10. The petitioner in *W.P.(C) 8290/2026* seeks that the score achieved by the petitioner for the test PSG in the event held at Hagen, Germany be taken for the purpose of calculating MER, instead of the score for the test PSG achieved by the petitioner in the event held at Lier, Belgium from 20<sup>th</sup> May, 2026 till 24<sup>th</sup> May, 2026. The chart as submitted by the petitioner for calculation of his MERs, is reproduced as under:

	PSG	Inter 1	Inter-1 Freestyle
Trial No. 1 Venue- Lier, Belgium Date: 27.02.26-01.03.26	67.912%	68.853%	
Trial No. 2 Venue-Tolbert, Netherlands Date: 10.04.26-12.04.26	68.725%	65.735%	69.600%
Trial No. 3 Venue-Hagen, Germany Date: 22.04.26-26.04.26	70.941%		
Trial No. 4 Venue- Lier, Belgium Date: 20.05.26-24.05.26	67.294%	68.824%	69.580%
Average of best 2 results	69.833%		
	(PSG – As per the Selection Criteria)		



11. There is a fundamental error in the aforesaid submission of the petitioner in *W.P.(C) 8290/2026*. As per the Selection Criteria as reproduced hereinabove, for riders based abroad, in case the competitions do not have the three tests, i.e., PSG, Intermediate I and Intermediate I Freestyle, they may participate in these tests in other competitions in subsequent days to acquire the MERs for the team or individual categories. However, as is clear from the table hereinabove, the competition, in which the petitioner participated in Belgium, had all the three tests. Thus, the petitioner cannot seek that the PSG score of the event at Belgium be ignored, and PSG score for Hagen, Germany be taken into account. Such interpretation as sought to be given by the petitioner, is not in line with the intent and purport of the Selection Criteria.

12. The contention of the petitioner that two other players, i.e., Ms. Shruti Vora and Mr. Jai Sud, who have been selected for the Asian Games, 2026, have been allowed to pick scores from different events, while denying the said option to the petitioner in *W.P.(C) 8290/2026*, is totally misplaced and liable to be rejected.

13. The scores taken for Ms. Shruti Vora for the purpose of calculation of MERs by taking scores from different events, is as follows:

Note: Scores considered by R1 and R2 are highlighted yellow and pink

	PSG	Inter 1	Inter-1 Freestyle
<b>Trial No. 1</b> Venue- Pattaya, Thailand Date: 25.11.25-30.11.25	70.882%	70.147%	73.800%
<b>Trial No. 2</b> Venue-Lier, Belgium Date: 27.02.26-01.03.26	66.235%	65.441%	



<b>Trial No. 3</b> Venue-Hickstead, UK Date: 11.05.26-17.05.26	69.853%		74.4%
CDI1* Venue- Wellington, UK Date: 05.06.26-07.06.26		70.931%	

14. Perusal of the aforesaid table shows that since the event at Hickstead, United Kingdom (“UK”) had only the tests of PSG and Intermediate I Freestyle, therefore, the score of Intermediate I from a subsequent event at Wellington, UK has been taken for the purpose of calculating the MER. No error is found in the said course of action, as the same has been done in terms of Clause 8(e) of Selection Criteria, as amended on 17<sup>th</sup> April, 2026.

15. Similarly, the scores of Mr. Jai Sud as taken from different events, is reflected in the table as below:

Note: Scores considered by R1 and R2 are highlighted in yellow and pink

	PSG	Inter 1	Inter-1 Freestyle
<b>Trial No. 1</b> CDI1* Jerez De La Frontera (ESP) 06.03.26-09.03.26	65.088 %	63.470 %	
<b>Trial No. 2</b> CDI1* Jerez De La Frontera (ESP) 11.03.26-14.03.26	67.157 %	67.735 %	
<b>Trial No. 3</b> CDI1* Vejer De La Frontera (ESP) 18.03.26-21.03.26	68.177%	67.618%	
CDI1* Slovenia (29.05.26-31.05.26)	-	-	70.840% @Pg 64 of the Counter Affidavit
<b>Trial No. 4</b> Mariakalnok, Hungary 30.04.26-03.05.26	67.549%	69.069%	69.750%

16. Perusal of the aforesaid table again shows that since the test of Intermediate I Freestyle was not available in the event at Trial No. 3, the



scores of the said test have been taken from a subsequent event held at Slovenia for the purpose of calculating the MER. The same has been done in consonance with the Clause 8(e) of Selection Criteria, as amended on 17<sup>th</sup> April, 2026.

17. It is a settled proposition of law that a Court in its writ jurisdiction can interfere only if a decision is illogical or suffers from procedural impropriety. The Court cannot substitute its decision over a decision of the Expert Committee, except where the decision is shown to have been exercised in an arbitrary or capricious or perverse manner or is contrary to the settled principles of practices. It is only in cases where the selection process is manifestly or *prima facie* arbitrary, that a Court may exercise its discretion to interfere. Thus, this Court in the case of *Swastika Ghosh Versus Table Tennis Federation of India and Others, 2022 SCC OnLine Del 1817*, held as follows:

“xxx xxx xxx

**10. It is a settled proposition that a mere mistake is not sufficient for this Court to exercise powers under Article 226. A writ can be issued only when there is something more than a mere error/mistake. The court in its writ jurisdiction can interfere only if its decision is illogical or suffers from procedural impropriety or shocks the conscience of the court in the sense that it is in defiance of logic or moral standards. The court cannot clothe itself with the power to make choice and should not substitute its decision over a decision of an Expert Committee. It may be reiterated that the scope of judicial review is limited to the deficiency in decision-making process and not the decision.**

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**13. This Court in *Shumel v. Union of India [Shumel v. Union of India, 2010 SCC OnLine Del 4706]* has also inter alia held as under:**

**13. ... How the relative merits of the different candidates should be evaluated is not a matter for this Court to decide. That is best left to the experts in a particular field of sport. Irrespective of**



**what may have been the past performance of a sportsperson, the current consistent form of such sportsperson should be critical in such decision-making given the objective of ensuring that the best performing candidate should represent India at the CWG, 2010.**

On an overall conspectus of what has transpired, this Court is not able to conclude that the exclusion of the petitioner from the selection trials for the 72 kg class women's wrestling for the CWG, 2010 which is to take place on 7-8-2010 and 8-8-2010 is either arbitrary or unreasonable.

**14. In Sushil Kumar v. Union of India [Sushil Kumar v. Union of India, 2016 SCC OnLine Del 3660], this Court inter alia held that a writ court will not interfere in exercise of discretion of the National Sports Federation and substitute its own judgment except where discretion is shown to have been exercised in an arbitrary or capricious or perverse manner or is contrary to settled principles of practices. The court inter alia held that the decision, who should represent India in a sporting event is best left to the experts i.e. the National Sports Federation concerned. The judgment in Sushil Kumar case [Sushil Kumar v. Union of India, 2016 SCC OnLine Del 3660] was also followed by this Court in Karamiyoti v. Union of India [Karamiyoti v. Union of India, 2016 SCC OnLine Del 6766] whereby it was inter alia held as under:**

**42. I am in complete agreement with the view taken in Sushil Kumar case [Sushil Kumar v. Union of India, 2016 SCC OnLine Del 3660] that the decision, who should represent India in a sporting event, is best left to the experts. In the matters of selecting the best possible candidate to represent India in an international competitive event, there cannot be any interference by this Court in the selection criteria set down by the National Sports Federation concerned and also as to how the relative merits of the different candidates is to be evaluated, which is for the experts to decide and not this Court.**

**15. In Paralympic Committee of India v. Naresh Kumar Sharma [Paralympic Committee of India v. Naresh Kumar Sharma, 2018 SCC OnLine Del 8443] this Court has inter alia held as under:**

**11. The purpose of preparing the above tabular chart is to ascertain whether the Committee's process of selection is manifestly or prima facie arbitrary. This Court recollects the compass that it has to apply in such matters. It is beyond dispute that in matters of policy decisions, the court should be circumspect in interfering and must exercise its power of judicial**



review only to prevent manifest arbitrary or mala fide action. 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 that purpose. Specifically, in the context of selection of athletes for sporting events, this Court in previous decisions such as Karamjyoti v. Union of India [Karamjyoti v. Union of India, 2016 SCC OnLine Del 6766] and Shumel v. Union of India [Shumel v. Union of India, 2010 SCC OnLine Del 4706], has held that a writ court will not interfere in the exercise of discretion of the National Sports Federation except where the discretion is shown to have been exercised in an arbitrary or capricious or perverse manner or contrary to the settled principles or practices. What then is the task before this Court, is to ascertain whether on a broad, prima facie view, without getting into the intricacies of the policy decision, there is manifest arbitrariness or mala fides in the decision-making of the Committee.

13. The court must resist adopting a one-size-fits-all approach. In other words, any one single performance at one competition or trial cannot be used as a barometer to make the decision of whether to select an athlete. In sports, as the impugned order also notes, same players perform differently on different occasions and a number of factors influence an athlete's performance. Therefore, the petitioner's performance at the court ordered trial cannot, by and of itself, be considered sufficient to warrant his selection for particular events. The Committee has to take a broader view and analyse the performances of the athletes/sportspersons over different competitions and trials. As such therefore, the court does not find any infirmity with the reasoning of the Committee, insofar as all events other than R-7 are concerned (to which we will turn subsequently).

14. This Court is conscious that the Committee has to consider a wide variety of other factors, including logistical and practical considerations, in selecting athletes. For instance, age is a pertinent consideration; in order to promote budding talent and to ensure that through exposure over periods of time athletes become better prepared and in turn are likelier to win medals for the country, the Committee has found it necessary to give younger athletes a chance over some older athletes. This could for example explain preferring Avani, who is 16 years old, over the petitioner for event R-6 for the 2018 Al Ain Championship, even though the petitioner had a higher score than her in the 61st NSC in the said event. However, in the 2018 Al Ain Championship, Avani's score was higher than all the other athletes (even when compared to the



*petitioner's performance in the court ordered trial), and that too by a significant margin, thereby in some ways justifying the Committee's decision to send her over the petitioner.*

**16. Though the jurisdiction of the court under Article 226 of the Constitution of India is very wide but it has to be used with circumspection.** *The names in the present case have been finalised by the Committee of Administrators appointed by this Court in Manika Batra v. Table Tennis Federation of India [Manika Batra v. Table Tennis Federation of India, 2021 SCC OnLine Del 4479] vide judgment dated 11-2-2022. Learned counsel for the petitioners have taken this Court through the findings of the Committee of Administrators. A bare perusal of the findings of the Committee of Administrators makes it clear that the Committee has threadbare examined the entire issue and then after taking into account all aspects finalised the names to be sent for participating in the Commonwealth Games. The court in the present jurisdiction cannot substitute its own view with the view arrived into by the Committee of Administrators and the Selection Committee. The courts do not have any expertise to get into the selection and finalisation of players for participation at the international level. This Court is conscious of the fact that any such findings can be interfered with only if there is any perversity or arbitrariness in the findings arrived into by the Federation concerned. However, I do not find any such arbitrariness or perversity in the such order and furthermore, Mr Moazzam Khan, learned counsel for Respondent 1 has stated at bar that the names have already been finalised and sent to the Indian Olympic Association.*

xxx xxx xxx”

*(Emphasis Supplied)*

18. Perusal of the documents on record and the tabular chart, as aforesaid, does not indicate in any manner that the process of selection is manifestly or *prima facie* arbitrary. This Court finds no error in the selection process as adopted by the Selection Committee in terms of the Selection Criteria.

19. Since the Selection Criteria as followed in the present case is not found to be manifestly or *prima facie* arbitrary, and the petitioner is held not entitled to take into account the score of the test PSG from the event held at Hagen, Germany, the contention of the petitioner regarding five-day notice



instead of seven-day notice for the said event in view of the amendment in the Selection Criteria, is immaterial.

20. The contention of the petitioner in *W.P.(C) 8329/2026* regarding taking the Team MERs into account for the purposes of ranking, and thereafter, taking the individual scores, is totally erroneous.

21. Clauses 8(d)(ii) and (iii) of the Selection Criteria lay down the criteria for achieving Team MER and Individual MER in small tour tests. While a Team MER requires a minimum of 66 percentage score in PSG, and participation in Intermediate I and Intermediate I Freestyle, an Individual MER requires participation in PSG and a minimum of 69 percentage score in both Intermediate I and Intermediate I Freestyle. Clause 8(f) of the Selection Criteria lays down the manner of calculation of merit, whereby, for comparative merit, the best two valid results from MER level competition have to be taken into account, and the riders are ranked on the basis of the highest cumulative percentage score across these two results.

22. Thus, the plain language of Clause 8(f) of Selection Criteria provides for the highest cumulative percentage score of the two best MERs, and makes no distinction between Team and Individual MER. This Court does not find any infirmity in the reasoning put forth by respondent no. 1 that the cumulative scores across PSG, Intermediate I and Intermediate I Freestyle have to be taken to ensure complete competitive preparedness at the international level for maximising India's prospect of winning all the three medals in Dressage at the Asian Games, 2026, which includes both team and individual medals.

23. Furthermore, the Selection Criteria categorically stipulates that while considering the composition of the team, all combinations who have attained



MERs in individual category, will be placed higher in merit over those who have attained MERs in the Team Category only. As a *sequitur* to the aforesaid, the contention of the petitioners that the Selection Committee erred in taking the cumulative scores in all the three tests, instead of just taking the cumulative scores in PSG/Team MER, does not warrant the intervention of this Court.

24. The calculation of scores of the various sports persons by EFI on the basis of the Selection Criteria, is reflected in the tabular chart, as below:

<u>Rank</u>	<u>Rider</u>	<u>Horse</u>	<u>MER Status</u>	<u>Scores Considered</u>
1	<u>Shruti Vora</u>	<u>Magnanimous</u>	<u>2 Individual MER</u>	<u>Asian Ch: 70.882/70.147/73.800;</u> <u>Hickstead: 69.853/70.931/74.400</u>
2	<u>Gaurav Pundir</u>	<u>Milli</u>	<u>1 Individual +</u> <u>1 Team MER</u>	<u>Perila-1: 68.186/68.627/69.717;</u> <u>Perila-2: 67.451/69.118/70.892</u>
3	<u>Jai Sud</u>	<u>Goofy La Perla</u>	<u>1 Individual +</u> <u>1 Team MER</u>	<u>Vejer: 68.177/67.618/70.840;</u> <u>Mariakalnok: 67.549/69.069/69.750</u>
4	<u>Hriday Chheda</u>	<u>Dono Di Maggio</u>	<u>2 Team MERs</u>	<u>Gosciszow: 66.814/68.971/71.617;</u> <u>Verolanuova: 68.333/66.912/72.892</u>
5	<u>Anush Agarwalla</u>	<u>Straight Horse</u> <u>Floriana</u>	<u>2 Team MERs</u>	<u>Tolbert: 68.725/65.735/69.600;</u> <u>Lier: 67.294/68.824/69.580</u>
6	<u>Sudipti Hajela</u>	<u>Biden</u>	<u>2 Team MERs</u>	<u>Gosciszow: 68.971/62.745/64.442;</u> <u>Verolanuova: 67.108/64.020/68.433</u>

25. Perusal of the aforesaid chart clearly shows that the sports persons have been ranked on the basis of the MERs achieved by them. The MERs in



the Individual Category have been placed higher on merit, in terms of the Selection Criteria. The comparative scores of different sports persons clearly indicate that they have rightly been ranked on the basis of the MERs achieved by them. There is nothing before this Court that the criteria adopted by the EFI, is irrational or perverse in any manner.

26. It is to be noted that this Court in the case of *Manini Kaushik Versus National Rifle Association of India and Others, 2024 SCC OnLine Del 3629*, categorically held that a writ court must not sit as an Appellate Authority over the decision arrived at by experts, if the same is reasonable and has been taken in good faith. Thus, in the said case, it was held as follows:

“xxx xxx xxx

**16. The selection criteria has been evolved by experts and this Court is of the opinion that the criteria is not perverse. The writ court must only see whether the criteria which have been arrived at is in good faith and whether the decision is reasonable. The writ court must not sit as an Appellate Authority over the decisions arrived at by experts if the same is reasonable and has been taken in good faith.**

17. This Court in *Yamini Mourya v. Indian Olympic Association, 2023 SCC OnLine Del 6213* has observed as under:

**“18. The selection criteria has been evolved by experts and this Court is of the opinion that the criteria which has been evolved by the Respondent No. 2 on 10.07.2023, is not perverse. The writ court must only see whether the criteria which have been arrived at is in good faith and whether the decision is reasonable. The writ court must not sit as an Appellate Authority over the decisions arrived at by experts if the same is reasonable and has been taken in good faith.**

19. A Coordinate Bench of this Court in *Shumel v. Union of India, 2010 SCC OnLine Del 4706*, has observed as under:

**“4. Having heard learned counsel for the parties, this Court is of the view that in matters of selecting the best possible candidate to represent India in an international competitive event, there cannot be any interference by this Court in the**



**selection criteria set down by the concerned national sports federation.** *If the Petitioner has not been able to qualify in the top 10 wrestlers in the national championship held at the conclusion of a ten months long coaching camp and on that basis was excluded from participation in the next level of selection trials, that action cannot be held to be either arbitrary or unreasonable warranting interference by this Court.”*

**20. The said judgment has been quoted with approval in Sushil Kumar v. Union of India, 2016 SCC OnLine Del 3660, wherein it was once again held that a writ court will not interfere in exercise of discretion of National Sports Federation and substitute its own judgment except where discretion is shown to have been exercised in an arbitrary or capricious or perverse manner or contrary to settled principles or practices.** *Relevant portion of the said judgment reads 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.”**

xxx xxx xxx

**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.**

xxx xxx xxx”

(Emphasis Supplied)

27. Furthermore, the petitioners have raised the contention that the list released by the EFI on 16<sup>th</sup> June, 2026 was only a provisional list containing



the names of six probables, who would proceed for the competition. It is their case that as per Clause 15(b) of the Selection Criteria, the six probables had to compete against each other for determining the top four athletes, who would participate in the Asian Games, 2026. Since no trial *inter se* the six probables was conducted, the final list released is not as per correct procedure. However, this Court is of the view that the aforesaid contention of the petitioners is misplaced.

28. This Court is of the considered opinion that the selection procedure followed by the EFI is in consonance with the Selection Criteria and the absence of subsequent competitive rounds does not invalidate the decision of the EFI. Failure to conduct additional competitions in terms of Clause 15(b) of the Selection Criteria does not undermine or vitiate the decision reached by the Selection Committee and the Ad-hoc Executive Committee of EFI, which are the deciding authorities under the Selection Criteria.

29. This Court takes note of the submission of the EFI that all six athletes as mentioned in the list dated 16<sup>th</sup> June, 2026, including the two petitioners herein, are stationed abroad in different parts of Europe, making it unfeasible to carry out any further competitions/trial, as such.

30. Further, it is imperative to note that Clause 15(e) of the Selection Criteria, provides that in cases of unforeseen matters, i.e., where any matter that has not been addressed in the Selection Criteria arise at any stage, the same will be put to the Selection Committee for consideration. The decision taken collectively by the Selection Committee and Executive Committee, shall be considered final and binding.

31. Thus, once the decision has been made by the EFI on the basis of Selection Criteria and achieved MER results, the mere fact that further trials



could not be held, in view of the aforesaid explanations given by the EFI, this Court finds no reason to interfere with the decision taken by the EFI in view of Clause 15(e) of the Selection Criteria.

32. Moreover, this Court notes that the purpose of Clause 15(b) of the Selection Criteria with respect to competitions during training period was to ensure maintenance of fitness and form of horse-rider combinations, and to enable the Selection Committee to take a call on the final order of merits. Since, the order of merit of the athletes has been determined on the basis of the best two MERs, out of which at least one MER mandatorily has been achieved within the period from 17<sup>th</sup> April, 2026 to 15<sup>th</sup> June, 2026, the purpose to ensure selection of horse-rider combination demonstrating current form, fitness, soundness, and competitive readiness, stands achieved.

33. As per Clause 15(a) of the Selection Criteria, the selected combinations would be considered as probables till the EFI, in consultation with the Selection Committee and coaches for each discipline again reviews the entire process before submission of final entry of Asian Games.

34. As per the Minutes of Meeting of the Dressage Selection Committee dated 15<sup>th</sup> June, 2026, the Selection Committee examined the performances of all eligible horse-rider combinations, including, MER achievements so that the selected team and reserve riders emerged strictly from the order of merit prepared under the Selection Criteria. The Selection Committee followed the selection process based upon objective performance criteria, MER achievements, and valid trial results.

35. Further, on 15<sup>th</sup> June, 2026, the Selection Committee addressed a letter to the Ad-hoc Executive Committee of EFI informing the list of probables to represent India in Dressage Event at the Asian Games, 2026.



Additionally, the detailed evaluation sheets, findings and merit calculations were annexed for reference.

36. In furtherance to the aforesaid letter, the Ad-hoc Executive Committee of EFI, in consonance with Clause 15(a) of the Selection Criteria, invited the members of the respective Selection Sub-Committees to present their recommendations, in its meeting held on 15<sup>th</sup> June, 2026. As per the Minutes of the Meeting on record, the EFI deliberated upon the recommendations of the Selection Committee and discussed the matter in detail with the members present. Thereafter, the Ad-hoc Executive Committee of EFI itself deliberated extensively, and discussed the matter at length. After detailed consideration, the Ad-hoc Executive Committee of EFI unanimously accepted the recommendations of the Selection Committee. Hence, the list declared on 16<sup>th</sup> June, 2026 was final and binding in terms of Clause 15(a) of the Selection Criteria.

37. Clearly, the documents on record point out that the Ad-hoc Executive Committee of EFI has discussed and deliberated upon the recommendations of the Selection Committee and finalised the list thereafter.

38. There is no material before this Court that the compliance in terms of Clause 15(a) of the Selection Criteria, has not been made. The documents placed on record by the respondent – EFI, make it evident that the entire procedure as envisioned under Clause 15 of the Selection Criteria was followed.

39. This Court further takes note of the submission of EFI that even though the deadline for submitting the definitive entries has been extended to 15<sup>th</sup> July, 2026, the Indian team that would represent the country at the Asian Games, 2026 would have to be finalised before 04<sup>th</sup> July, 2026 in



order to ensure compliance with other necessary requirements of the Asian Games, 2026, Japan.

40. The selection process followed by the EFI has been found to be fair and in consonance with the Selection Criteria. The selection process is not found to be irrational, arbitrary or perverse in any manner by this Court. As per established law, it is beyond the scope of judicial review by this Court, to substitute its judgment for that of the experts in matters concerning selection of sports persons for international sporting events. Accordingly, this Court is not inclined to interfere with the selection made by the Expert Body in terms of the Selection Criteria.

41. Furthermore, since the decision of the Selection Committee and the EFI, has been found to be in consonance with the Selection Criteria, the contention of the petitioner in *W.P.(C) 8290/2026* regarding bias, is also without any merit.

42. This Court does not find any strength in the contention of the petitioner in *W.P.(C) 8290/2026*, that the selection process was vitiated by a conflict of interest between the petitioner, i.e., Mr. Anush Agarwalla and Mr. Kapil Modi, who was a member of the Selection Committee.

43. Although the petitioner had objected to Mr. Kapil Modi's participation in the Selection Committee in the WhatsApp Chat dated 08<sup>th</sup> April, 2026, as attached along with the writ petition, however, the subsequent conduct of the petitioner throughout the selection process makes it apparent that the petitioner had acquiesced to the composition of the Selection Committee and waived of any allegation in this regard. There is no document on record, other than the WhatsApp Chat dated 08<sup>th</sup> April, 2026, to show that the petitioner had any objection to the members of the Selection



Committee or sought reconstitution of the Selection Committee at any stage.

44. Moreover, once the entire selection process has been completed and the final results have been declared, the petitioner in *W.P.(C) 8290/2026*, cannot be permitted to challenge the said results merely because he was not selected in the top four athletes, particularly, when this Court does not find the decision of the Selection Committee and Ad-hoc Committee of the EFI to be manifestly arbitrary or unreasonable or in variance to the Selection Criteria.

45. In this regard, it shall be apposite to refer to the decision in the case of *Manak Lal, Advocate Versus Dr. Prem Chand Singhvi and Others, (1957) 1 SCC 260*, wherein, the Supreme Court held as under:

“xxx xxx xxx

*12. The next question which falls to be considered is whether it was open to the appellant to take this objection for the first time before the High Court? In other words, has he or has he not waived his objection to the presence of Shri Chhangani in the Tribunal? Shri Daphtary does not seriously contest the position that the objection could have been effectively waived. **The alleged bias in a member of the Tribunal does not render the proceedings invalid if it is shown that the objection against the presence of the member in question had not been taken by the party even though the party knew about the circumstances giving rise to the allegations about the alleged bias and was aware of his right to challenge the presence of the member in the Tribunal. It is true that waiver cannot always and in every case be inferred merely from the failure of the party to take the objection. Waiver can be inferred only if and after it is shown that the party knew about the relevant facts and was aware of his right to take the objection in question.** As Sir John Romilly, M.R., has observed in *Vyvyan v. Vyvyan* [*Vyvyan v. Vyvyan, (1861) 30 Beav 65 at p. 74 : 54 ER 813 at p. 817*] : (ER p. 817)*

**“... Waiver or acquiescence, like election, presupposes that the person to be bound is fully cognizant of his rights, and, that**



**being so, he neglects to enforce them, or chooses one benefit instead of another, either, but not both, of which he might claim.”**

**If, in the present case, it appears that the appellant knew all the facts about the alleged disability of Shri Chhangani and was also aware that he could effectively request the learned Chief Justice to nominate some other member instead of Shri Chhangani and yet did not adopt that course, it may well be that he deliberately took a chance to obtain a report in his favour from the Tribunal and when he came to know that the report had gone against him he thought better of his rights and raised this point before the High Court for the first time. In other words, though the point of law raised by Shri Daphtary against the competence of the Tribunal be sound, it is still necessary for us to consider whether the appellant was precluded from raising this point before the High Court by waiver or acquiescence.**

xxx xxx xxx”

*(Emphasis Supplied)*

46. In the present case, the petitioner in *W.P.(C) 8290/2026* was in the knowledge of the constitution of the Selection Committee since 08<sup>th</sup> April, 2026, as per his own admission. There is no document on record that would show that the petitioner wrote any letter/E-mail or made any representation regarding reconstitution of the Selection Committee. If the petitioner was aggrieved by the constitution of the Selection Committee and perceived that there would be bias against him, there was nothing to stop the petitioner from seeking his remedies in this regard. However, the petitioner neither represented to the EFI for reconstitution of the Selection Committee on account of presence of Mr. Kapil Modi, nor sought any legal remedies in this regard. Accordingly, the petitioner is precluded from raising such issue of bias before this Court, on account of his own conduct which clearly points out to acquiescence and waiver of the said issue by the petitioner.



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47. Thus, no merit is found in the present petitions. The same are accordingly, dismissed. Pending applications also stand disposed of.

**MINI PUSHKARNA, J  
(VACATION JUDGE)**

**JUNE 29, 2026/au**