

AD-09
Ct No.09
26.09.2023
TN

WPA No. 20679 of 2023

Ruksana Khatun
Vs.
Union of India and others

Mr. Vivekananda Bose,
Ms. Afreen Begum,
Mr. Ratikanta Pal

.... for the petitioner

Mr. Sauvik Nandy,
Ms. Shaista Afreen

.... for the UOI

- 1.** The present challenge has been preferred by a sports person, who is apparently an accomplished Volleyball player of India.
- 2.** The writ petition narrates several previous sporting accomplishments of the petitioner, at various levels of Volleyball in India.
- 3.** Learned counsel for the petitioner contends that the petitioner has been deliberately left out of the selection process in the selection trials for the upcoming Asian Games, 2023.
- 4.** Learned counsel places reliance on a Notification dated June 19, 2023 annexed at page-41 of the writ petition and argues that in terms of the said

Notification, trials were held in which the petitioner participated. However, when the selection list came out, which is annexed at page-44, the petitioner, to her utter surprise, noticed that some of the selected candidates are far below the petitioner in sporting accomplishments and could not have been selected over the petitioner. The petitioner seeks to assail the utter lack of transparency in the selection process for the Asian Games, where the best sports persons of the country are supposed to represent the country.

- 5.** Learned counsel argues that despite service, the principal respondents have not appeared in the matter.
- 6.** It is contended that if the score cards of the respective participants in the selection process were disclosed, there would be an objective parameter for the court to assess whether there was any arbitrariness in the selection process.
- 7.** Heard learned counsel for the petitioner and the Union of India.
- 8.** It is seen from the Notification dated June 19, 2023 that the same specifically highlights that the decision of the selection committee will be final and that the said decision to take a call on

interpretation of a particular rule at the time of selection trials will be at its sole discretion.

- 9.** In fact, the court is not an expert in the field of Volleyball or, for that matter, in any sport. Hence, some amount of finality has to be attributed to the outcome of the selection process, which is supposed to be held by people having sufficient acumen of the concerned sport.
- 10.** Undoubtedly, at the Asiad level, there ought to be some amount of transparency. However, the said dictum of transparency ought not be extended to such an extent that the court would intrude into each and every decision of the selection process and/or every yardstick which is adopted by the selection committee for selecting the successful participants who would represent the country. There may be several subjective elements in the assessment process which might not be very clear to the court even if disclosed.
- 11.** However, the petitioner has a point in arguing that since the petitioner is one of the premier sports persons of the country in the field of Volleyball, she is at least entitled to know her deficiencies, as perceived by the selection committee, for which she was not selected, in order to improve and prepare for the future.

- 12.** I find from the stipulations of the Notification dated June 19, 2023 itself that the selection of trials would be video recorded. At best, the petitioner can be given access to have a visual inspection of the video recording of her performance in the selection trials for the purpose of assessing herself.
- 13.** Moreover, learned counsel for the Union of India indicates that the selection process is long over and the Indian contingent is on the verge of joining the ensuing Asian Games.
- 14.** Keeping in view such factor as well, the court is not inclined to interfere in the matter.
- 15.** Accordingly, WPA No. 20679 of 2023 is disposed of in the light of the above observations.
- 16.** If the petitioner approaches the respondent no.5, that is, the Ad-hoc Committee, Volleyball Federation of India, the respondent no.5 shall provide the petitioner access to the video footage of the petitioner's own performance in the selection trials, for the limited purpose of the petitioner assessing her own performance for future competitions.
- 17.** There will be no order as to costs.

- 18.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)