



2026:DHC:7901



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

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*Judgment reserved on: 14.09.2026**Judgment pronounced on: 15.09.2026**Judgment uploaded on: 15.09.2026*# **CNR No. DLHC010420842026**+ **W.P.(C) 12991/2026, CM APPL. 60340/2026 & CM APPL. 60341/2026**

SURAJ YADAV

.....Petitioner

Through: Mr. Saurabh Jain and Mr.
Prayag Jain, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Ruchir Mishra, Mr.
Mukesh Kumar Tiwari, Mr.
Rahul Kumar Sharma, GP, Mr.
Sanjiv Kr. Saxena, Ms. Reba
Jena Mishra and Ms. Poonam
Shukla, Advocates for R-1 and
R-2.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of the present writ petition, the petitioner seeks following reliefs:

“a) Issue writ/order/direction in the nature of Mandamus or any other appropriate writ thereby directing Respondents No. 1 (Union of India/Ministry of Youth Affairs & Sports) to forward



the name of the Petitioner to Respondent No. 4 (IOA) for participation in the Sanda 70 kg Men's category event at the 20th Asian Games, Aichi-Nagoya, 2026; and/or

b) Issue a writ, order or direction in the nature of Mandamus, or any other appropriate writ, directing Respondent No. 1 to invoke and consider the Relaxation Clause under Clause 5 of the Ministry's Selection Criteria dated 24.09.2025 in favour of the Petitioner, having regard to his Rank No. 1 position in the selection trials conducted by the National Sport Federation for the selection of the upcoming Asian Games, 2026..."

2. Briefly stated, facts of the present case, as set out in the petition, are that for more than a decade, the petitioner has been pursuing the sport of Wushu and has won multiple medals at national and international competitions, thereby bringing laurels to the nation. It is stated that in the year 2023, the petitioner had represented India in the 19th Asian Games held at Hangzhou in 2023, wherein he had secured 5th position in the Sanda 70 kg Men's category. It is stated that the petitioner, who competes in the Sanda 70 kg Men's category, is presently the highest ranked and leading Indian athlete in the said category, and is presently ranked no. 1 in India. It is further stated that in 2023-2025, the petitioner had suffered serious bilateral knee injuries during his sporting career, for which he underwent Right ACL Reconstruction with Meniscectomy in October 2023 and Left ACL Reconstruction in July 2025. Consequently, the petitioner was required to undergo prolonged medical treatment and rehabilitation, which temporarily prevented him from participating in 10th Asian Wushu Championship event which had taken place from 12th to 15th October, 2024 and the 17th World Wushu Championship, which had



taken place during 31.08.2025 to 07.09.2025. It is stated that on 24.09.2025, respondent no.1 i.e. Union of India through Ministry of Youth Affairs & Sports [hereafter '**the Ministry**'] had issued circular bearing the Formulation of Selection Criteria for Individuals and Teams for Participation in the 2026 Asian Games, Para-Asian Games 2026 [hereafter '**Ministry's Selection Criteria**'] and other multi sports events. It is further stated that as there was no Asian Championship event in Wushu conducted for the purpose of selection of athletes for the Asian Games, respondent no. 3, i.e Wushu Association of India being the National Sports Federation for Wushu [hereafter '**the Federation**'] conducted Open Selection Trials at Meerut, Uttar Pradesh from 17.05.2026 to 18.05.2026 for the purpose of selecting athletes to represent India in the 20th Asian Games, 2026. By virtue of his outstanding performance, the petitioner secured the top position in the Men's Sanda 70 Kg category, thereby qualifying for and securing his place in the Final Selection Trials for the 20th Asian Games, 2026. It is stated that from 05.06.2026 to 08.06.2026, the Final Selection Trials were conducted at SKISC, Srinagar, wherein the petitioner participated in the Sanda 70 kg Men's category and comprehensively defeated his opponents through his outstanding performance. By virtue of his dominant performance, the petitioner secured Rank no. 1 in the said category, thereby emerging as the leading and most deserving Indian athlete for representing the country in the Sanda 70 kg category at the upcoming



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20th Asian Games, 2026. It is further stated that on 09.06.2026, in recognition of his performance and selection status, the petitioner joined the Senior National Coaching Camp at Srinagar, conducted from 09.06.2026 to 23.06.2026 under the aegis of the Sports Authority of India (SAI) i.e. respondent no. 2. The petitioner's inclusion in the official national camp further demonstrated that the technical authorities considered him fit and capable of undergoing high-level national training. It is pertinent to mention that the Federation has recommended the name of the petitioner to compete in the upcoming Asian Games, 2026. It is stated that from 24.06.2026 to 29.06.2026, immediately following the national camp and selection process, the petitioner represented India at the Shanghai Cooperation Organization (SCO) Wushu Competition and Secured Bronze Medal therein. It is stated that on 06.08.2026, SAI issued Revised Administrative Sanction No. 44 for the Wushu Sanda National Coaching Camp at NSNIS, Patiala, from 10.08.2026 to 17.09.2026. It is stated that the petitioner is specifically included at Serial No. 5 in the official list of Sanda campers in the 70 kg category. The inclusion of the petitioner in the official sanctioned National Coaching Camp, immediately preceding the 20th Asian Games 2026, shows that SAI continued to consider the petitioner for the forthcoming Asian Games. It is stated that the said inclusion is also consistent with the petitioner's rank no. 1 in the Final Selection Trials and his subsequent international performance.



3. On 22.08.2026, while the petitioner was undergoing rigorous training and putting in his best efforts to attain peak physical and competitive form for representing the country in the upcoming 20th Asian Games 2026, the Ministry issued the final list of athletes constituting the Indian Contingent for the said Games. It was only upon the publication of the said final list that the petitioner came to know that, despite being Rank No. 1 athlete in the Sanda 70 kg category and having otherwise fulfilled the merit and performance requirements, his name had not been included in the Indian Contingent. It is further stated that a participation slot in the Sanda 70 kg category was available for India at the upcoming Asian Games, however, the Ministry, neither forwarded the name of the petitioner nor any other Indian athlete in the said category, thereby leaving the said category unrepresented despite the availability of a participation slot.

4. Accordingly, the petitioner has approached this Court by way of the present writ petition.

5. The learned counsel appearing for the petitioner argues that the petitioner is an international Wushu Sanda athlete who represented India in the Men's Sanda 70 kg category at the 19th Asian Games, Hangzhou, 2023, placing fifth, and who has since won gold at the 38th National Games, 2025 and bronze at the SCO Wushu Sanda Tournament, Hubei, 2026. It is submitted that the Federation had conducted Open Selection Trials at Meerut from 17.05.2026 to



18.05.2026 and Final Selection Trials at Srinagar from 05.06.2026 to 08.06.2026, and that the petitioner had secured first rank in his category at both stages. He was thereupon inducted into the Senior National Coaching Camp at Srinagar and, by Revised Administrative Sanction no. 44 dated 06.08.2026 issued by SAI, was named at serial no. 5 among the Sanda campers at the National Coaching Camp at NSNIS, Patiala, held at Government cost from 10.08.2026 until 17.09.2026, that is, until the eve of the Games. It is further submitted that notwithstanding the foregoing, the contingent approved by the Ministry by letter dated 22.08.2026 bearing no. 70-15/2026-Governance-1 omits the petitioner and that no reason for the omission was communicated to him and that the Ministry has nominated no athlete at all in the Men's Sanda 70 kg category, with the result that an available participation slot stands to go unutilised and the category unrepresented. Reliance is placed upon the letter dated 28.08.2026 addressed by the Federation to SAI, whereby the federation recommended the petitioner's inclusion, recording that his selection rests purely upon merit established through the prescribed trials and that he carries a realistic prospect of a medal. It is accordingly submitted that the case falls within relaxation clause, i.e clause 5 of the Ministry's Selection Criteria which requires the Ministry to take an appropriate decision where the experts of the discipline and the SAI recommend participation in relaxation of the criteria, for justifiable reasons. It is contended that recommendation contemplated



by that clause being on record, the Ministry was bound to apply its own policy, and its failure even to consider the petitioner thereunder amounts to a refusal to exercise a jurisdiction vested in it. It is submitted that the impugned exclusion is unsupported by reasons and leaves relevant material out of account, namely the petitioner's rank in the trials, the Federation's recommendation, his continued training at Government cost and his international record. It is stated that the prejudice is irreparable, and that the Wushu events commence on 19.09.2026. A direction is accordingly sought directing the Ministry to forward his name to respondent no. 4, i.e Indian Olympic Association(IOA) or in the alternative to invoke and consider clause 5 in his favour forthwith.

6. Per contra, the learned counsel for the respondent no.1 and 2 submits that selection to the 20th Asian Games is governed by the Ministry's Selection Criteria dated 24.09.2025, notified in advance and applied uniformly, the object being that only likely medal prospects represent the country at public expense. It is submitted that the petitioner did not compete in the 2nd Wushu Sanda Asian Cup of July 2025 or the 17th World Wushu Championships held in Brazil from 31.08.2025 to 07.09.2025; and that the Moscow Wushu Stars Championship, 2025 and the SCO competition of June 2026, upon which he relies, were invitational and drew limited entry, being eight countries, six of them Asian, in the former, and eleven Asian countries in the latter, which was in any event held after the cut-off



date of 21.06.2026. SAI accordingly took the view that neither answers the description of an equivalent international competition. As regards clause 5 is concerned, it is argued that the said clause confers no enforceable right upon an athlete who fails the benchmark, and the same is applicable only where the experts of the discipline and SAI recommend relaxation for justifiable reasons, whereupon the Ministry decides. It is argued that since no such recommendation was received, the foundation for invoking the clause was absent. It is further submitted that the petitioner's first place in the domestic trials and his earlier achievements cannot substitute compliance with the notified benchmark or generate an automatic right to relaxation. It is further contended that a quota denotes the maximum entry permissible and imposes no obligation to fill every slot; and that no athlete having been approved in the category, no question of discrimination arises. Thus, it is prayed that the present petition be dismissed.

7. This Court has **heard** arguments addressed on behalf of both the parties and has perused the material available on record.

8. The question for determination before this Court is whether an athlete, who admittedly does not meet the benchmark prescribed by the Ministry's Selection Policy, can compel the Ministry to invoke the relaxation clause i.e. clause 5 of the Ministry's Selection Criteria, in his favour.

9. Sanda being a combat discipline, the governing benchmark



thereof is that prescribed by clause 4.1(II) of the Ministry's Selection Criteria, for non-measurable individual sports and events. Clause 4.1(II)(b), read with clause 10, requires a top-six finish amongst Asian nations in an equivalent international competition, and confines that expression to competitions drawing at least twelve Asian countries in each of the last two editions, invitational events being expressly excluded. **Admittedly**, the petitioner herein did not compete in the 2nd Wushu Sanda Asian Cup of July 2025 or in the 17th World Wushu Championships at Brazil. The Moscow Wushu Stars Championship, 2025 and the SCO competition of June 2026, upon which he relies, were invitational events drawing eight and eleven countries respectively. In view thereof, the petitioner stands excluded from the ambit of clause 4 altogether.

10. What is prayed before this Court, therefore, is that the Ministry be directed to recommend the name of petitioner, notwithstanding the aforesaid. The said plea rests wholly upon clause 5 of the Ministry's Selection Criteria, which reads as under:

“Relaxation clause: If in the opinion of the experts of specific sports disciplines, and SAI, participation of individuals and teams in relaxation of the above criteria is recommended with justifiable reasons, the same will be considered in the Ministry for appropriate decision.”

11. Clearly, the said clause discloses three cumulative requirements. First, there must be an opinion of the experts of the discipline ‘and’ SAI. The conjunction ‘and’ makes it clear that a



recommendation of the National Sports Federation alone will not suffice. Secondly, such an opinion must rest upon ‘*justifiable reasons*’. Only then, thirdly, the matter “considered in the Ministry for appropriate decision”. The relaxation clause therefore speaks of consideration, not of conferment.

12. It is apposite to note, that the letter dated 28.08.2026 is a recommendation of the Federation addressed to SAI. It is not the opinion of SAI, and the affidavit of the Ministry states on oath that no such recommendation from SAI was ever received by the Ministry. **Therefore**, the conditions, upon satisfaction of which clause 5 operates, are evidently absent in the present case.

13. A Coordinate Bench of this Court in ***Yoga Federation of India v. Union of India***: 2026:DHC:5515, took note of a similar provision, and observed that the conditions governing a relaxation power are “essential safeguards against arbitrary use”. The relevant observations read as under:

“81. Even if an implied power to relax existed before 01.02.2021, which is denied for the reasons stated above, that implied power would be no broader than and would be circumscribed by the same conditions that govern the explicit relaxation clause that was eventually introduced to formalise it. The explicit Clause 16 prescribes two specific conditions: reasons for the relaxation must be recorded in writing, and the power must be exercised by the Minister in charge personally. These are not incidental procedural formalities. They are essential safeguards against arbitrary use of the relaxation power, accountability mechanisms ensuring that departures from the mandatory framework are deliberate, reasoned, and personally authorised by the appropriate authority. An implied



power, if it exists, carries no lesser burden. The formalisation of a power does not enlarge it, it defines it. If the explicit power requires reasons in writing and Ministerial approval, the implied power can demand no less.”

14. The Hon’ble Supreme Court had, in ***State of U.P. v. Vikash Kumar Singh: (2022) 1 SCC 347***, held that relaxation is never a matter of right. It was also held that such a clause is, in its nature, enabling – it confers a liberty upon the authority, not an entitlement upon the subject. The relevant portion of the said judgment is as under:

“7.1 The learned Single Judge thereafter while quashing and setting aside the eligibility lists dated 18.03.2019 and 10.05.2019 has issued the writ of mandamus commanding or directing the competent authority to grant relaxation in qualifying service, which as such was permissible under Rule 4 of the Relaxation Rules, 2006. The word used in the Rule 4 of Relaxation Rules, 2006 is “MAY”. Therefore, the relaxation may be at the discretion of the competent authority. The relaxation cannot be prayed as a matter of right. If a conscious decision is taken not to grant the relaxation, merely because Rule permits relaxation, no writ of mandamus can be issued directing the competent authority to grant relaxation in qualifying service. Therefore, the High Court has committed a grave error in issuing the writ of mandamus commanding the competent authority to grant relaxation in the qualifying service. Consequently, the High Court has also erred in quashing and setting aside the eligibility lists dated 18.03.2019 and 10.05.2019, which as such were prepared absolutely in consonance with the Rules, 1990 and Rules, 2006. The impugned judgments and orders passed by the learned Single Judge as well as the Division Bench of the High Court are not sustainable in law.”

15. It is noted that the reasoning provided by the Hon’ble Supreme Court also applies to the present case. Clause 5 of the Ministry’s



Selection Criteria provides that the matter “will be considered”; it nowhere provides that relaxation shall be granted. Relaxation being discretionary, as against every other athlete who falls short of the notified benchmark, it remains discretionary as against the petitioner as well; and whether that discretion is to be exercised at all is the prerogative of the competent authority, i.e. the Ministry, acting upon the concurrent opinion of the experts of the discipline and the SAI. It is the prerogative neither of the athlete who seeks it, nor of the federation which sponsors him, nor of this Court under Article 226 of the Constitution of India.

16. In ***Sanjana v. Union of India***: 2026:DHC:7666, decided on 07.09.2026, this Court observed as under in respect of the same clause:

“.....A vacant slot may permit the competent authority to consider whether any eligible athlete can be nominated or whether relaxation under Clause 5 of the Ministry’s Selection Criteria is warranted, but it does not confer an automatic right upon an athlete who does not meet the prescribed criteria.....”

17. As to the limits of this Court’s jurisdiction, while examining the Ministry’s Selection Criteria, the Court cannot act as an ‘Appellate Authority examining the correctness, suitability and appropriateness of a policy’ [Ref: ***Directorate of Film Festivals v. Gaurav Ashwin Jain***: (2007) 4 SCC 737]. A Coordinate Bench of this Court, in ***Yamini Mourya v. Indian Olympic Association***: 2023 SCC OnLine Del 6213, placed that principle in its sporting setting,



holding that:

“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.”

18. The petitioner's return to competition after two reconstructive surgeries, and his success in his federation's trials is appreciated, *however*, it cannot enlarge the criteria which bind every athlete alike, and relaxation beyond what the policy permits would be unfair to those held to the same standard and excluded by it. In the facts and circumstances of the case, this Court is of the opinion that no case of arbitrariness, irrationality or *mala fides* is made out in the present case.

19. The writ petition is accordingly dismissed, along with the pending applications.

20. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

SEPTEMBER 15, 2026/vc
VS