



2026:DHC:9374



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: October 15<sup>th</sup>, 2026

# CNR No. DLHC010500682026

+ W.P.(C) 15381/2026

CHIRAG BARETHA &amp; ORS. ....Petitioners

Through: Mr. Varun Bala and Ms. Komal Gupta, Advocates.

versus

UNION OF INDIA &amp; ORS. ....Respondents

Through: Mr. Vijay Joshi, CGSC with Ms. Katyayni Joshi, GP and Mr. Shubham Chaturvedi, Advocate for R1 and 4.

**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

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

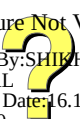
i. Issue an appropriate Writ/ Order/ Direction to the respondent no. 1 and also the other respondents to include the name of the petitioners in the contingent participating in the Asian Para Games, 2026 to be held in Aichi-Nagoya, Japan from 18th October, 2026 to 24th October, 2026- reg and make necessary arrangements for the para badminton discipline.

ii. Issue an appropriate Writ/ Order/ Direction to the respondents collectively follow the guide lines set-forth by them for selecting the candidates to ensure that the athletes who have real chance of winning medal are only considered for participation in multi-disciplinary sports events i.e Asian Para Games, 2026 to be held in Aichi-Nagoya, Japan from 16th October, 2026 to 24th October, 2026-reg.

iii. Issue an appropriate Writ/ Order/ Direction to the respondents collectively not to withdraw the names of the petitioners from the

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2026:DHC:9374



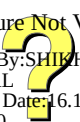
*recommendations sent to the Badminton Asia and Asian Paralympic Committee which is organising the Asian Para Games, 2026-AichiNagoya, Japan.*

*iv. Or Issue an appropriate Writ/ Order/ Direction as this Hon'ble Court deems fit and proper in the facts and circumstances of the case.*

2. It is the case of the petitioners that they are international para-badminton athletes, who, on the basis of their international rankings and recent performances, were eligible for selection to represent India at the 5th Asian Para Games, 2026, scheduled to be held in Aichi-Nagoya, Japan, from 18th to 24th October, 2026.
3. It is contended that Respondent No. 3, between 19th and 25th August, 2026, sent emails to the petitioners seeking their consent to participate in the Games within one day and also called upon them to furnish the names of their respective partners for the men's doubles, women's doubles and mixed doubles events, as applicable.
4. It is contended that the petitioners duly communicated their consent and furnished the requisite details within the stipulated period. It is further contended that, following their shortlisting by Respondent Nos. 2 and 3, they underwent and successfully cleared the anti-doping tests conducted by the National Anti-Doping Agency at the instance of the respondents. However, when Respondent No. 1 published the list of selected athletes on 12th October, 2026, the petitioners' names were excluded without any apparent justification.
5. Learned counsel for the respondents submits that though the petitioners were initially allotted slots in the singles events for the Para Asian Games, however, since they failed to meet the selection criteria as per the notified selection criteria dated 24.09.2025, they were not

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2026:DHC:9374



recommended for participation. He submits that Clause 4.1 (II(a)) of the notified selection criteria for the games dated 24.09.2025 provides that an athlete is eligible for nomination if he or she has secured a sixth-place or better finish at the last Senior Asian Championship held within the preceding 12 months, or holds a world ranking among the top six athletes of Asian nations, as on the prescribed cut-off date.

6. Clause 4.1(II(a)) of the selection criteria dated 24.09.2025 is reproduced hereinbelow:

*“The NSF will be eligible to nominate an athlete if either in a weight category/ event athlete has achieved 6th or better finish in that category / event at the last Senior Asian Championship held within last 12 months; or his/her World Ranking is amongst top 6 of Asian Nations in international ranking as of 10 days before submission deadline of final list of entry by name.”*

7. The respondents have produced the Asian rankings of the petitioner, derived from their world rankings, as on 21.07.2026, which is the cut off date, as per the information furnished by Respondent No. 4/Sports Authority of India, before this Court. The same are as follows:

| Name                              | Asian Ranking |
|-----------------------------------|---------------|
| Chirag Baretha (Petitioner No.1)  | 9th           |
| Ammu Mohan (Petitioner No. 2)     | 9th           |
| Shashank Kumar (Petitioner No. 3) | 10th          |

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2026:DHC:9374



|                                 |     |
|---------------------------------|-----|
| Manisha Patel (Petitioner No.4) | 9th |
|---------------------------------|-----|

8. Accordingly, the petitioners did not fulfil the prescribed ranking criteria for selection in the respective singles events. Once the petitioners failed to meet the notified eligibility benchmarks, the decision of the respondents not to recommend them for participation in the Para Asian Games cannot, in the absence of any demonstrated deviation from the prescribed criteria, be characterised as arbitrary or illegal.

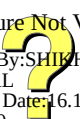
9. The petitioners have relied upon their past achievements, medals secured at international tournaments and the communications issued by Respondent No. 3 seeking their consent to participate in the Games and details of their doubles partners. However, these circumstances, by themselves, do not confer an indefeasible right to selection. The invitation to confirm participation and the conduct of anti-doping tests cannot be construed as a final decision selecting the petitioners for the Games. Their candidature was required to be assessed in accordance with the notified selection policy and they failed to meet the same.

10. This Court, while exercising jurisdiction under Article 226 of the Constitution of India, cannot issue a writ of mandamus directing the authorities to alter the finalised contingent at this stage or take a different view regarding the eligibility unless the view taken is arbitrary.

11. The decision to exclude/include athletes from participation in a

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2026:DHC:9374



particular category is objectively taken, keeping in mind the feasibility of sending athletes, by the authorities and subject experts which cannot be interfered with.

12. Even otherwise, the sanctioned contingent has already been finalised and acted upon. No order can be passed at this stage, given that this exercise would undisputedly require multiple administrative clearances.

13. In view of the above, this Court finds that the petitioners have failed to establish any arbitrariness or illegality in their exclusion from the Indian contingent so as to warrant the exercise of extraordinary jurisdiction under Article 226 of the Constitution of India.

14. The Petition is accordingly dismissed, along with pending application(s), if any.

**AMIT MAHAJAN, J**

**OCTOBER 15, 2026**

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