



2026:DHC:6543



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

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Judgment reserved on: 04.08.2026
Judgment pronounced on: 11.08.2026
Judgment uploaded on: 11.08.2026

+ **W.P.(C) 8545/2026**

KASHISH MALIK

.....Petitioner

Through: Mr. Saurabh Jain, Advocate

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Ms. Aashita Khanna, Mr. Ritwik
Prakash and Mr. Vidushpat
Singhania, Advocates for R-2
Mr. Shashank Dixit, Ms.
Laavanya Kaushik, Mr. Kunal
Dixit and Ms. Khyaati Bansal,
Advocates for R-1 and 3
Mr. Parth Goswami and Mr.
Ranjeet Pawar, Advocates for R-4
Mr. Suveer Sheokand and Mr.
Shafik Ahmed, Advocates for
Review Petitioner

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J****REVIEW PET. 332/2026**

1. The present petition under Order XLVII Rule 1 read with Section 114 of the Code of Civil Procedure, 1908 has been preferred seeking review of the judgment dated 01.07.2026 passed by this



Court in the above-captioned writ petition.

2. The review petitioner, Aranaya Thakur, who claims to be a rival claimant for the Women's Under-57 kg Taekwondo event at the 20th Asian Games, 2026, seeks review primarily on the ground that the judgment under review was rendered without affording her an effective opportunity of hearing, despite her having been arrayed as a respondent in the writ petition, and that the said judgment has, according to her, prejudicially affected her competing claim for nomination to the said event. The review petitioner has also sought to raise various submissions relating to her comparative merit, world ranking, performance in the selection trials, the applicability of the relaxation clause contained in the Ministry's Selection Criteria dated 24.09.2025, and other allied issues, with a prayer that the judgment under review be recalled and reconsidered.

3. The learned counsel appearing for the review petitioner submits that the judgment under review has adversely affected the review petitioner's competing claim for the Women's Under-57 kg slot, despite her being arrayed as respondent no. 5 in the writ petition and having secured Gold Medal in the Open Selection Trials in the very same category, as against Bronze secured by Kashish Malik. It is further submitted that the review petitioner's claim based on her superior performance, ranking and the relaxation clause under Paragraph 5 of the Ministry's Selection Criteria was not considered, and that the judgment, having the effect of favouring one athlete for



the only available slot, could not have been rendered without affording the review petitioner an effective opportunity of hearing.

4. The learned counsel appearing for Kashish Malik (*writ petitioner*) opposes the review petition, and argues that the judgment dated 01.07.2026 is a well-reasoned judgment passed after considering the entire record and the stand taken by all the parties. It is also contended that the review petitioner had secured the 9th position in the qualifying Senior Asian Taekwondo Championship and, therefore, did not satisfy the eligibility criteria under Clause 4(ii)(a) of the Selection Criteria. In contrast, Kashish Malik, having secured a Bronze Medal in the said Championship, was the only athlete who fulfilled the prescribed criterion and was, therefore, entitled to be recommended for nomination. It is further submitted that the review petitioner had no vested right to have her name recommended or forwarded for nomination merely on the basis of her own sporting credentials. The learned counsel also points out that the respondent authorities themselves had categorically stated before this Court that if Kashish Malik's name was not forwarded, no other athlete's name would be sent for the said event. It was, therefore, contended that no error apparent on the face of the record is made out and the review petition deserves to be dismissed.

5. This Court has **heard** arguments addressed on behalf of the parties, and has considered the material available on record.

6. This Court observes, at the outset, that the scope of review



jurisdiction is extremely limited. It is well-settled that the power of review is not intended to enable the Court to rehear the matter or sit in appeal over its own judgment. A review petition cannot be used as a means to re-argue the case or to persuade the Court to take a different view on issues that have already been considered and decided. The jurisdiction is intended to correct a manifest error which is apparent on the face of the record or to consider discovery of new and important matter or evidence which, despite due diligence, could not be produced when the judgment was rendered, or for any other sufficient reason analogous thereto. The review jurisdiction is, therefore, exceptional in nature and cannot be exercised as a matter of course.

7. In ***Kamlesh Verma v. Mayawati***: (2013) 8 SCC 320, the Hon'ble Supreme Court summarized the circumstances in which review jurisdiction may be exercised. It was held that a review would be maintainable where there is discovery of new and important matter or evidence which could not, despite due diligence, be produced earlier, where there exists an error apparent on the face of the record, or where there is any other sufficient reason analogous to the aforesaid grounds. Equally, the Hon'ble Supreme Court clarified that review jurisdiction cannot be invoked for rehearing the matter on merits, re-appreciation of evidence, correction of inconsequential errors, substitution of one possible view by another, or as an appeal in disguise.



8. This Court also notes that the Hon'ble Supreme Court, in ***Malleeswari v. K. Suguna***: 2025 SCC OnLine SC 1927, has reiterated the well-settled limits of review jurisdiction and reaffirmed that a review petition is not a vehicle for reopening issues that have already attained finality merely because a litigant seeks a different conclusion. The Hon'ble Supreme Court also observed that review is confined to correction of errors apparent on the face of the record and cannot be employed as a means of seeking a fresh adjudication on facts or law. It was also held that review proceedings cannot be converted into 'an appeal in disguise' by inviting the Court to reconsider findings already rendered after a full hearing.

9. This Court also is of the opinion that the restrictive contours of review jurisdiction are founded upon the equally important doctrine of finality of judicial decisions. Every litigant is entitled to a fair and effective hearing, but once the issues raised have been duly considered and adjudicated upon, the law does not contemplate repeated opportunities to reopen the same controversy except on the limited grounds recognised by law.

10. Therefore, in the considered opinion of this Court, review can be entertained only in limited circumstances, such as where there is an error apparent on the face of the record, discovery of new and important matter or evidence which, despite due diligence, could not be produced earlier, or any other sufficient reason recognised in law. Merely because another view is possible, or because a party seeks a



reconsideration of the merits, is no ground to invoke the review jurisdiction. Further, an error apparent on the face of the record is one which is self-evident and does not require elaborate arguments or a re-appreciation of the facts or law to establish it. If the alleged error can be demonstrated only after a detailed examination of the issues, it falls outside the scope of review.

11. In view thereof, this Court is not required to examine whether another view on the merits is possible. The only question for consideration is whether the judgment dated 01.07.2026 suffers from any error apparent on the face of the record or whether any other ground recognised in law for exercise of review jurisdiction has been made out.

12. In the above background, this Court has carefully considered the submissions advanced by the learned counsel for the review petitioner, the pleadings in the review petition, the record of the writ proceedings culminating in the judgment dated 01.07.2026, and the documents placed on record.

13. This Court notes that the principal contention of the review petitioner is that she was also a claimant for the Women's Under-57 kg event for the 20th Asian Games, 2026; that she had independently pursued proceedings before the Punjab and Haryana High Court; that she possessed superior sporting credentials, having secured a Gold medal in the Open Selection Trials and a higher world ranking; and that, therefore, the judgment dated 01.07.2026 ought not to have been



rendered without adjudicating her competing claim.

14. This Court, however, finds that the aforesaid contention proceeds on an incorrect understanding of the controversy involved in *W.P.(C.) No. 8545/2026*. The writ petition filed by Kashish Malik did not require this Court to undertake a comparative assessment of the sporting merits of rival athletes or to determine which athlete was more meritorious. The controversy before this Court was confined to examining the legality of the order dated 23.06.2026 passed by the Ministry of Youth Affairs and Sports rejecting the candidature of Kashish Malik, despite the material placed before this Court showing that she fulfilled the eligibility criteria prescribed under the applicable Selection Policy.

15. This Court notes that, during the hearing of the writ petition, it was specifically brought to its notice that respondent no. 4, India Taekwondo, the Member National Association affiliated to the Asian Taekwondo Union and the body responsible for recommending athletes for participation in the Asian Games, had itself forwarded and recommended the name of Kashish Malik for participation in the Women's Under-57 kg event vide communication dated 23.06.2026. The recommendation made by the National Sports Federation was based on its understanding that Kashish Malik had fulfilled the qualification criteria prescribed by the Asian Taekwondo Union.

16. This Court further notes that the material placed before it in the writ proceedings showed that the qualifying event for determining



eligibility was the 27th Senior Asian Taekwondo Championship held in Mongolia. Under Clause 4(ii)(a) of the Ministry's Selection Criteria dated 24.09.2025, where a Senior Asian Championship had been held within twelve months preceding the Asian Games, an athlete would be eligible for nomination if he or she had secured a sixth or better finish in that Championship or had otherwise fulfilled the alternate world ranking criterion prescribed therein. The said clause reads as under:

“4. Benchmarks for individual sports and events and team sports and events

x x x

(II) Non-Measurable Individual Sports and Events

a. Where Senior Asian Championship was held within 12 months preceding the upcoming Asian Games or world Rankings are promulgated regularly:

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

17. This Court also notes that the stand taken by the respondent authorities in the writ proceedings was unequivocal. The Ministry had not disputed that the writ petitioner Kashish Malik fulfilled the criteria and had secured a sixth or better finish (i.e. third position) in the last Senior Asian Championships held within the preceding twelve months (i.e. the Asian Taekwondo Championship, 2026, held in May, 2026). The only objection raised was that the said medal was secured in the -53 kg category and not in the -57 kg category, and



that the two categories have now been merged, with the -57 kg category succeeding the -49 kg category. It was also not specifically disputed at any stage that it was the Bronze medal won by Kashish Malik in the qualifying Championship which formed the basis on which India had earned qualification for participation in the Women's Under-57 kg event. Further, it was on the strength of this performance that respondent no. 4 had recommended her candidature. This Court further notes that it was specifically submitted on behalf of the respondent authorities during the hearing of the writ petition that, under the applicable Sports Technical Handbook governing the Asian Games, only one athlete could be nominated by India in the Women's Under-57 kg event.

18. Thus, while deciding the writ petition, this Court was not called upon to choose between two athletes on the basis of their comparative sporting merit. The issue before this Court was whether — once the competent National Sports Federation had itself recommended the name of Kashish Malik, once it was undisputed that she had secured a Bronze Medal in the qualifying Championship, once the respondent authorities themselves had acknowledged that India's qualification in the concerned event had been secured through her performance, and once only one athlete could ultimately be nominated by India for that event — the Ministry was justified in rejecting her candidature. It was in the context of these facts and circumstances that this Court rendered the judgment dated 01.07.2026.



19. This Court is of the considered opinion that the present review petition seeks to raise issues which did not arise for consideration in the writ petition. The review petitioner has relied upon her success in the Open Selection Trials, her higher world ranking, her claim under Paragraph 5 of the Selection Criteria, and her achievements as a natural Under-57 kg athlete. These submissions may constitute the basis of the review petitioner's own claim for nomination. In this Court's opinion, therefore, the judgment dated 01.07.2026 does not suffer from any error apparent on the face of the record.

20. The writ petition was decided on the basis of the facts then placed before this Court, including that Kashish Malik had secured the qualifying result in the Senior Asian Taekwondo Championship; that respondent no. 4 had recommended her candidature; that the respondent authorities themselves had not disputed that India's qualification in the Women's Under-57 kg event had been secured through her performance; and that only one athlete could ultimately be nominated by India in that event. The review petitioner has not shown that any of these facts were incorrectly recorded or that any material document placed before this Court had been overlooked.

21. This Court also notes that the review petitioner herself had secured the 9th position in the very Championship which constituted the qualifying event under Clause 4(ii)(a) of the Selection Criteria, whereas Kashish Malik had secured the 3rd position, and as per the criteria discussed above, candidates securing 6th position or better



were in the first line of being considered. Thus, the factual basis on which the judgment dated 01.07.2026 was rendered remains unchanged.

22. In substance, what the review petitioner seeks is a fresh adjudication of her own competing claim by inviting this Court to compare the merits of the two athletes. Such an exercise neither arose for consideration in the writ petition nor can it be undertaken in review jurisdiction. A review petition cannot be converted into proceedings for deciding a controversy which was not the subject matter of the original judgment.

23. This Court is, therefore, satisfied that the review petitioner has failed to point out any error apparent on the face of the record, or any other ground warranting exercise of review jurisdiction.

24. The review petition is accordingly dismissed. Pending applications, if any, also stand disposed of.

25. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

AUGUST 11, 2026/A
T.S.