2024:DHC:4959

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

Reserved on: 02nd July, 2024
Pronounced on: 04th July, 2024

+   **W.P.(C) 8765/2024 & CM APPLs. 35699-35700/2024, 36289/2024**

SHRUTI VORA   ..... Petitioner
Through: Dr. Abhishek Manu Singhvi and Mr. Sandeep Sethi, Senior Advocates with Mr. Rishi Agarwala, Maj. Nirvikar Singh, Mr. Avishkar Singhvi, Mr. Aditya Chatterjee, Mr. Parminder Singh, Mr. Harsh Mittal, Ms. Shreya Sethi and Mr. Siddharth Seem, Advocates.

versus

EQUESTRIAN FEDERATION OF INDIA & ORS. ..... Respondents
Through: Mr. Jayant Mehta, Senior Advocate with Mr. Kirtiman Singh, Ms. Manmeet Kaur Sareen and Ms. Diva Saigal, Advocates for R-1.
Mr. Hrishikesh Baruah, Ms. Astha Sharma, Mr. Parth Goswami, Mr. Sanjeev Kaushik, Mr. Shreyas Awasthi, Mr. Akshay Kumar, Mr. Anurag Mishra and Mr. Rudraksh Kaushal, Advocates for R-2.
Mr. Vikash Singh and Mr. Sagar, Advocates for R-4/IOA.
Ms. Arunima Dwivedi, CGSC with Ms. Pinky Pawar and Mr. Aakash Pathak, Advocates for UOI.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.:

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1.   The Petitioner, a distinguished Indian Dressage athlete with a commendable record at international competitions including the Asian Games and Dressage World Championships, brings forth this petition against Respondent No. 1, the Equestrian Federation of India.[1] This action challenges the Section Criteria Notice 2024,[2] for representing India in the Dressage event at the upcoming Paris Olympic Games. The Petitioner contests the legality of these criteria under Articles 14, 19, and 21 of the Constitution of India, asserting that they are arbitrary, discriminatory, and prejudicial. The selection of Respondent No. 2 for the Paris Olympic Games lies at the core of her grievance. She contends that such selection exemplifies the inherent flaws of the selection criteria and their detrimental impact on a fair and equitable selection process for athletes.

BRIEF FACTS:

2.   The EFI is a national governing body for the sport of Dressage in India and is responsible for governing, promoting and developing equestrian sports in the country. EFI is a recognised National Sports Federation as notified by the Ministry of Youth Affairs & Sports[3] and is also affiliated to the Indian Olympic Association,[4] Fédération Équestre Internationale[5] and Asian Equestrian Federation.[6] EFI is the authority responsible for conducting all events at the Local, Regional, National and International level for Equestrian disciplines including Dressage in India.

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[1] 'EFI'
[2] 'Impugned Selection Criteria'
[3] 'MYAS'
[4] 'IOA'
[5] 'FEI'

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3. Respondent No. 2 – Mr. Anush Agarwalla is an Indian Dressage rider who has been selected by Respondent No. 1 to represent the country in the forthcoming Olympic Games, which are scheduled to commence from the end of July 2024.

4. The FEI is the international authority responsible for publishing the regulations stipulating the criteria for participation in Equestrian sports at the Paris Olympics, 2024. The FEI has published the 'Qualification System – Games of the XXXIII Olympiad – Paris 2024',[7] which stipulates the eligibility criteria for determining the participatory rights in the Olympic event for Dressage, i.e., the Minimum Eligibility Requirement[8].

5. On 15th December, 2022, the FEI published the '2023 Calendar DRESSAGE: Qualification Events for the Olympic Games 2024 (Selected events for achieving minimum eligibility standards)' [*updated on 15th December, 2023*]. Similarly, on 15th December, 2023, the FEI published the '2024 Calendar DRESSAGE: Qualification Events for the Olympic Games 2024 (Selected events for achieving minimum eligibility standards)' [*updated on 9th February, 2024*]. As per the abovementioned regulations, in order to qualify to represent and participate in the Dressage event at the Paris Olympics, 2024, an athlete, in combination with his/her horse, is required to achieve an MER of 67% in at least two of the listed qualification events, held between 1st January, 2023 till 24th June, 2024.

6. On 19th February, 2024, India was allocated an individual slot for the Dressage event at the Paris Olympics, 2024.

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[6] 'AEF'
[7] 'FEI regulation'
[8] 'MER'

7. On 22nd February, 2024, after receiving consent of the members of the Executive Committee, Respondent No. 1 published the Impugned Selection Criteria titled 'Selection Criteria for Selection of an Individual Horse Rider Combination for Dressage Discipline to represent India at Paris Olympic Games, 2024', on its official website.

8. On 23rd February, 2024, the Impugned Selection Criteria was also separately communicated to the Petitioner *via* email.

9. In June 2024, Respondent No. 2 was selected by the Executive Committee of Respondent No. 1 to represent India at the Dressage event at the Paris Olympics, 2024.

FACTS AND CONTENTIONS PRESENTED BY THE PETITIONER:

10. Dr. Abhishek Manu Singhvi, Senior Counsel for Petitioner, urged the following facts and contentions:

10.1. Dressage is a highly skilled form of horse training and constitutes a competitive Equestrian sport. It involves the horse and rider performing a series of movements from memory, known as "tests", which require precision, control and grace. Essentially, in Dressage a rider/athlete performs a 'ballet' with the horse. This sport emphasizes the harmonious development of the horse's natural athletic ability with its willingness to perform, resulting in a horse that is supple, balanced, and responsive. Naturally, the training for such a sport is highly intensive since the performance of both the athlete and horse are viewed together as part of a 'combination'. Therefore, in order to determine the true competence of the team, the readiness of the performance and synergy between the athlete and the horse must be assessed from their most recent performance.

10.2. By 31st December, 2023, the FEI had finalised the quota places for the

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Paris Olympics, 2024, however at that time, India did not get a slot. Subsequently, on an unexpected, yet happy turn of events, on 19th February, 2024, India got a slot for Dressage at the Paris Olympics, 2024. Thus, for the first time, India would be participating in this discipline of sports.

10.3. On 22nd February, 2024, Respondent No. 1 published the Impugned Selection Criteria, which has been arbitrarily applied retrospectively.

10.4. As per the FEI regulation, the last date for submission of a 'Certificate of Capability' to the FEI for an athlete and horse combination was one (1) day after the MER Deadline – i.e., 25th June, 2024. Respondent No. 1 has sent the Certificate of Capability of both Respondent No. 2 and the Petitioner to the FEI, on 25th June, 2024. However, as per the timeline provided in the FEI regulation, the deadline for submission of the selected names of participants for the Paris Olympics, 2024, is 8th July, 2024.

10.5. The Impugned Selection Criteria is arbitrary and perverse as it considers the past performance of an athlete-horse combination from 2023 onwards, rather than adhering to the well-established practice of attributing more weightage to the most recent performance. In this regard, the Petitioner relies on selection criterion set out by the national federations of major Dressage playing countries such as Britain, Australia and Canada. Illustratively, the British Equestrian Federation, for the purposes of choosing their candidate, relies upon the following rule in the 'British Equestrian Dressage Selection Policy, Paris Olympic Games, 2024':

> *"a. The athlete/horse combination's results during the qualification period. When considering results, due regard will be given to:*
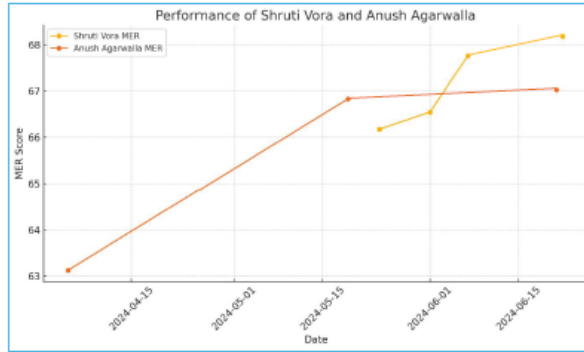> *• Primary consideration: scores obtained from all CDI 3*, 4*, 5*, CDI-W or CDIO competitions from 1 January 2024 until the end of the Olympic qualifying period."*

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10.6. Similarly, most countries participating in this sport are selecting their athlete-horse combinations for the Olympic event based on performances closest to the deadline, rather than considering those teams whose scores may have been higher earlier in the year. For the afore-noted reason, the top-ranking athletes of Netherlands and the United States of America have not been allotted a spot in the Olympics and instead lower ranked athletes are chosen to represent the countries based on their current form and performance.

10.7. On 1st July 2024, to clarify the significance of recent scores in terms of the sport of Dressage, the counsel for the Petitioner received an email from Mr. Andre Schoppmann, Coordinator for Dressage and Show Jumping at the FEI Championships and Olympic Games. In this communication, Mr. Schoppmann conveyed that the scores achieved by athletes from January 2024 to July 2024 are deemed more relevant for the selection process for the Paris Olympics 2024.

10.8. A comparison between the recent performance of the Petitioner versus that of Respondent No. 2, after the announcement of the Impugned Selection Criteria is as follows:

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Performance of Shruti Vora and Anush Agarwalla

A tabulation of the above represented scores is as under:

Date	Shruti Vora's Scores (in %)	Anush Agarwalla's scores (in %)
05.04.2024	-	63.13
19.05.2024	-	66.826
24.05.2024	66.174	-
01.06.2024	66.543	-
07.06.2024	67.761	-
21.06.2024	-	67.022
22.06.2024	68.174	-

10.9. Respondents No. 1 & 2 seek to rely on the current performance of the Petitioner against the historical performance of the Respondent No. 2 (i.e. performance prior to the issuance of the Impugned Selection Criteria). Reliance is placed on the tabulation provided by Respondent No. 2 in their Reply dated 1st July, 2024, which is as follows:

"BEST FOUR RESULTS OF PETITIONER AND RESPONDENT NO.2

	Petitioner			Respondent No.2	
Sr.No.	Competition	MER.	Sr.No.	Competition	MER
1.	Olomouc (Below required MER) 24/05/24	66.174%	1.	Wroclaw 27/10/23	67.804%
2.	St. Margarethen (Below required MER) 1/06/24	66.543%	2.	Stuttgart 17/11/23	67.565%
3.	Lipica 7/06/24	67.761%	3.	Frankfurt 15/12/23	67.152%
4.	Brno 22/06/24	68.174%	4.	Mechelen 28/12/23	68.261%
	Total Average	67.163%		Total Average	67.695%

10.10. The above comparison reveals that Respondent No. 2's scores used for averaging are all of the year 2023, whereas the Petitioner's scores are of recent events which concluded just before the cut-off date i.e., 24th June

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2024 and demonstrate an upward trend. The scores of Respondent No. 2 in the Grand Prix events of Dressage in the year 2024 with his horse named '*Sir Caramello*' have been drastically lower than that of 2023.

10.11. Moreover, it is important to note that all of Respondent No. 2's above-referenced scores originated from indoor events, whereas the Petitioner's scores were obtained at outdoor competitions. The setting of an event plays a crucial role in Dressage performance, as the ground conditions significantly influence the horse's conditioning and overall performance. Crucially, the Olympic event will be held outdoors, making the Petitioner's experience in similar conditions particularly relevant.

10.12. The comparison highlights that Respondent No. 2's performance in indoor events contrasts sharply with their outdoor events in 2024, where they exhibited significantly lower performance levels compared to the Petitioner.

10.13. In light of these considerations, the Impugned Selection Criteria should not retroactively incorporate performances from 2023 to determine the most suitable candidate for the International Olympic competition. Instead, the selection should focus on the prospective performance and scores of the athlete-horse combination immediately preceding the Olympic event, ensuring that the selected contender is truly the best prepared candidate for the event. Further, the Impugned Selection Criteria, was published on 22nd February, 2024, after India secured a spot for participation on 19th February, 2024, yet, it places reliance on the past scores from January, 2023 onwards, instead of the most recent scores, in order to favour Respondent No. 2.

10.14. India has qualified to participate in Dressage event of Olympics for

the first time and as such, India should put its best foot forward so as to increase the chances of winning a medal. Therefore, this Court must strike/ read down the Impugned Selection Criteria as being perverse since it relies upon stale and historical scores for selecting the best candidate for the Olympic Dressage event, scheduled to be held at Paris, France in 2024.

10.15. It would be arbitrary, discriminatory and an irrational choice to allow historical and stale scores to trump over the current performance of an athlete, keeping in mind the unique requirement of the sport of Dressage. It is not only the fitness of the athlete but also the physical fitness and the form of the horse which must be assessed for choosing the right candidate to represent the country in a prestigious international event such as the Olympic Games. As such, the Impugned Selection Criteria of the Respondent No. 1 is patently illegal and arbitrary, since it ignores relevant facts and allows irrelevant considerations for the purposes of selecting a candidate.

10.16. The very fact that the selection criteria was announced on 22nd February, 2024, with the cut-off date being 24th June, 2024, meant that prospective candidates who are ready and willing to participate in the Olympics must perform their best during this timeline.

FACTS AND CONTENTIONS PRESENTED BY RESPONDENT NO. 1

11.   Mr. Jayant Mehta, Senior Counsel for Respondent No. 1, contended as follows:

11.1. The Impugned Selection Criteria was published on 22nd February, 2024 and was also individually communicated to the Petitioner on the following day. Despite participating in the listed qualifying events and achieving two MERs in June, the Petitioner did not express any concerns

regarding the criteria until after the selection of Respondent No. 2. It is a well-established principle that one cannot challenge the fairness of a selection criteria, upon an unfavourable outcome, after having participated under the same. Thus, this late-stage grievance suggests that the present writ petition may be considered an afterthought.

11.2. The Impugned Selection Criteria of the EFI is in consonance with the criteria set out by the international organisation – FEI. As per the Impugned Selection Criteria the first threshold for any athlete-horse combination is to get 67% MER in two FEI listed qualifying events between 1st January, 2023 and 24th June, 2024. In a scenario where more than one athlete-horse combination becomes eligible, only then would an average be deduced from the scores of the 4 best Grand Prix events of the athletes from the past year, to arrive at a decision between the two teams. Assessing more than two performances in the listed Olympic qualifying events would help in gauging the consistency of performance of the said athletes. In other words, the time frame of the events of which the scores can be considered is in consonance with that provided by FEI. Therefore, the contention of the Petitioner that only the scores in the latest or the most recent events should be considered is misplaced.

11.3. It is pertinent to note that the international body – FEI itself has enlisted qualifying events between 1st January, 2023 and 24th June, 2024. This fact negates the averment of the Petitioner that scores achieved in events prior to 2024, are stale.

11.4. The Petitioner's reliance on the examples from other Dressage countries is misplaced. India cannot send athletes to the Olympics based on the practices of other countries since India is a first-time contender in this

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sport and has only received one individual spot in the event; unlike the countries being relied upon by the Petitioner, where multiple teams have been allowed to participate. With respect to the examples of Netherlands and USA, no data or document has been submitted to establish these examples. Further, the Petitioner has selectively relied upon the British Equestrian Dressage Selection Policy and omitted to point out the portions which show that as per the said policy, the scores obtained between 1st January, 2023 – 31st December, 2023 in the listed qualifying events of FEI, will also be considered in selection of a candidate. This also negates the argument of the Petitioner that the selection criteria cannot be applied retrospectively.

11.5. The contention of the Petitioner that only recent/current performance of the athlete-horse combination is considered, and a such practice is universally followed, is incorrect and misplaced. Therefore, the present petition fails to demonstrate that the Impugned Selection Criteria is perverse so as to necessitate interference of this Court.

FACTS AND CONTENTIONS PRESENTED BY RESPONDENT NO. 2

12. Mr. Hrishikesh Baruah, counsel for Respondent No. 2, supplementing the contentions of Mr. Jayant Mehta, made the following submissions:

12.1. Respondent No. 2, along with his Horse – Sir Caramello, has consistently performed well, competing with the foremost athletes in this category. His consistent performance has earned India a berth in the Dressage event at the Paris Olympics, 2024, and therefore, for the Petitioner to casually shun the years of hard work and dedication of the Respondent No. 2, is disheartening. Instead of preparing to represent the country in the Olympic games and concentrating on his performance, Respondent No. 2 is embroiled in the present litigation.

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12.2. The challenge to the Impugned Selection Criteria is belated. The same was published in February, 2022 and thus there was ample time for the Petitioner to challenge the same. Moreover, the criteria cannot be said to be arbitrary only because the Petitioner was not selected. A candidate who takes part in the selection process is estopped from challenging the same at a later stage. In this regard, reliance was placed on the case of *Anupal Singh v. State of U.P.*[9]

12.3. The Courts should be circumspect in interfering with the Selection Criteria and must exercise their power of judicial review only in cases of manifest, arbitrary or malafide action. Reliance in this regard was placed on *Sushil Kumar v. Union of India*[10] and *Swastika Ghosh v. Table Tennis Federation of India*.[11]

<u>*ANALYSIS AND FINDINGS:*</u>

13. The Court has meticulously reviewed the documents submitted and considered the arguments presented by the counsel for all the parties. It is a well-established principle that judicial intervention in selection criteria set by competent bodies is generally restrained, unless the criteria is demonstrably perverse or irrational. In *Manini Kaushik v. National Rifle Association of India & Ors.*[12], this Court recognized that selection criteria, developed by experts in their respective fields, is presumed valid in the absence of compelling evidence to the contrary. Furthermore, it is beyond the scope of judicial review to substitute its judgment for that of the experts concerning the selection of athletes for international sporting events.

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[9] (2020) 2 SCC 173
[10] 2016 SCC OnLine Del 3660
[11] (2022) 4 HCC (Del) 213

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14.　　The precedent set in ***Sushil Kumar v. Union of India***,[13] underscores this judicial restraint, noting that the Court will not interfere with the discretionary powers of the National Sports Federations unless there is clear evidence of arbitrariness or capriciousness that grossly violates established norms and practices. This principle is echoed in numerous rulings of this Court, which collectively discourage undue judicial interference in areas where specific expertise and informed discretion are paramount.

15.　　In light of the well-established legal principles governing the selection of athletes for national or international events, the Court has thoroughly examined whether the arguments presented by Dr. Singhvi merit the invocation of its extraordinary jurisdiction under Article 226 of the Constitution of India, 1950. The scrutiny is twofold: firstly, assessing the adherence of the selection criteria to principles of fairness and rationality; and secondly, determining whether the impugned criteria so significantly deviate from these principles, as to necessitate judicial correction.

16.　　In the instant case, the core of the dispute revolves around the Impugned Selection Criteria established by Respondent No. 1 for the Olympic event, which is as follows:

> *"1.　　The required official MER for the Paris Olympic Games which has been laid out by FEI (a minimum of 67% has to be achieved twice at an official Olympic qualifier and minimum 2 FEI L4 judges should score the test 67% or higher at both these events. Both these judges should be of a nationality other than that of the rider) must be achieved by the athlete. In case of more than one eligible athlete, the athlete with the highest average in Grand Prix out of the best 4 events in the past 1 year shall be chosen to participate. Scores of athelets only at FEI level competitions 3* and above will be counted. These scores have to be achieved at shows from 2023 to 2024 list of MER events.*

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[12] 2024 SCC OnLine Del 3629
[13] 2016 SCC OnLine Del 3660

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2. Minimum Eligibility Requirements – Dressage To be eligible to participate in the Olympic Games Paris 2024 Dressage Competitions, and subject to the provisions of paragraph 3 below, all Athletes/Horses must achieve, as a combination, the Minimum Eligibility Requirements (MER) at selected Events which take place from 1 January 2023 until (and including) 24 June 2024 (the "MER Deadline"). Athlete/Horse combination must fulfil the minimum eligibility requirements as described below. A minimum 67% must be attributed twice to the Athlete/Horse combination by both a L4 judge and as an average from all judges in the competition, and the score must be achieved in a Grand Prix test at two different CDI3*/CDI4*/CDI5*/CDI-W/CDIO events. The two L4 judges must be of a nationality other than of the Athlete. Scores achieved Grand Prix classes (Consolation) judged by three Judges do not count towards the minimum eligibility requirement. Athletes and Horses must have obtained the MERs at events take place from 1 January 2023 until the MER Deadline of 24 June 2024 included.

3.   The following available on the FEI website are enclosed :-

(a) FEI : Qualification System-Games of the XXXIII Olympiad – Paris 2024.

(b) FEI : 2024 Calendar Dressage : Qualification Events for the Olympic Games 2024 (Selected events for achieving minimum eligibility standards).

(c) FEI : 2023 Calendar Dressage : Qualification Events for the Olympic Games 2024 (Selected events for achieving minimum eligibility standards).

4.   A merit will be prepared post 24 Jun 2024 and the name of the best Horse rider combination will forward to MYAS/IOA/SAI/FEI."

17.   The MER stipulated in the above criteria provides that, in order to be eligible to compete in the Dressage event at Paris Olympics, 2024, athletes and their horses must achieve a minimum score of 67%, verified twice at official Olympic qualifying events, by at least two FEI Level 4 judges of a nationality different from that of the athlete. These scores must be from Grand Prix tests conducted at two distinct CDI3*/CDI4*/CDI5*/CDI-

W/CDIO events. In the scenario where more than one athlete-horse combination meets the MER, the Selection Criteria stipulates that the selection of the final candidate will be based on the highest average scores from the best four Grand Prix events held over the previous year for which only scores from FEI level competitions having 3* and above are considered.

18. Respondent No. 1 has thus adhered to the international standards laid out by the FEI, reflecting a methodical and fair process for determining the athlete-horse combination best suited to represent India at an international level. It combines a balance of achieving high performance thresholds with the necessity of sustained excellence over a period of time.

19. These criteria reflect an understanding of the sport's demands and the need for clear, rigorous benchmarks in selecting representatives for such high-stakes global competitions. The criteria are structured to objectively measure the athletic prowess and performance consistency, which are critical in a sport where both the athlete and horse must operate as a finely tuned unit.

20. Dr. Singhvi strenuously argued against the selection criteria detailed in Clause 1 of the Impugned Selection Criteria, which determines the final candidate from those who have achieved the MER. He contends that the retroactive application for considering the average of the best of 4 events, is inherently discriminatory and renders the criteria perverse. His critique is primarily focused on the use of past performance metrics — specifically, the mandate that selection be based on *"the best 4 events in the past 1 year"*. Dr. Singhvi argues that relying on historical performance data does not accurately reflect the current capabilities of the athletes in the highly skill-

intensive sport of Dressage, suggesting such a practice is arbitrary.

21. However, the Court remains unpersuaded by this argument. The material on record and the alignment of the Impugned Selection Criteria with the FEI's established guidelines mitigate concerns over arbitrariness. The FEI criteria clearly stipulate that the athletes and horses must achieve specified scores within a defined timeframe to qualify for participating in the Olympic games. This includes achieving a minimum of 67% in Grand Prix tests, adjudicated by impartial L4 judges from a nationality different than the athlete's, at select international events. The rationale for integrating historical performance data into the selection process is twofold: it ensures consistency and peak performance over a significant period and not just in a transient phase. Such criteria are designed not only to gauge the current form but also to ascertain the sustained competitive readiness and resilience of the athlete-horse combinations. This approach is neither arbitrary nor discriminatory but a reasoned strategy to select the most stable and consistently high-performing candidate for an event of the highest international repute. The long-term performance metrics are common to determine readiness for competitions that demand high levels of skill and endurance. The Court finds that the selection criteria, reflective of FEI guidelines, provides a balanced and fair assessment framework.

22. It is important to underscore that even internationally recognized selection policies, such as the British Equestrian Dressage Selection Policy, incorporate a variety of factors into the selection process, demonstrating a nuanced approach that balances recent performance with other criteria. Rule 10.1 of the British policy clearly outlines a comprehensive set of factors that selectors consider, employing their absolute discretion in terms of alignment

with the objectives of the policy. A juxtaposition between the criteria of FEI, EFI and British Equestrian Dressage Selection Policy, is as follows:

- **FEI Criteria -**

  "   xx   ...   xx   ...   xx

  1.   Minimum Eligibility Requirements – Dressage
  *To be eligible to participate in the Olympic Games Paris 2024 Dressage Competitions, and subject to the provisions of paragraph 2 4 below, all Athletes/Horses must achieve, as a combination, the Minimum Eligibility Requirements (**MER**) at selected Events which take place from 1 January 2023 until (and including) 24 June 2024 (the **"MER Deadline"**). Athlete/Horse combination must fulfil the minimum eligibility requirements as described below.*

  A minimum 67% must be attributed twice to the Athlete/Horse combination by both a L4 judge and as an average from all judges in the competition, and the score must be achieved in a Grand prix test at two different CDI3*/CDI4*/CDI5*/CDI-W/CDIO events. The two L4 judges must be of a nationality other than of the Athlete. Scores achieved Grand Prix classes (Consolation) judged by three Judges do not count towards the minimum eligibility requirement.

  <u>Athletes and Horses must obtain the MER at events which take place from 1 January 2023 until the MER Deadline of 24 June 2024 included."</u>

- **EFI Selection Criteria –**

  "1. The required official MER for the Paris Olympic Games which has been laid out by FEI (a minimum of 67% has to be achieved twice at an official Olympic qualifier and minimum 2 FEI L4 judges should score the test 67% or higher at both these events. Both these judges should be of a nationality other than that of the rider) must be achieved by the athlete. In case of more than one eligible athlete, the athlete with the highest average in Grand Prix out of the best 4 events in the past 1 year shall be chosen to participate. Scores of athletes only at FE/ level competitions 3* and above will be counted. <u>These scores have to be achieved at shows from 2023 to 2024 list of MER events."</u>

- **British Equestrian Dressage Selection Policy -**

  "   xx   ...   xx   ...   xx

  10.   Selection criteria

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10.1.   The Selectors will consider the criteria set out below and use their absolute discretion to select combinations onto the Squad in alignment with the Objectives of the Policy (Clause 2). They must at all times use their discretion honestly and with due integrity. All of the criteria listed below will be assessed in no particular order and with no particular weighting.

a. The athlete/horse combination's results during the qualification period. When considering results, due regard will be given to:

• Primary consideration: scores obtained from all CDI 3, 4*, 5*, CDI-W or CDIO competitions from 1 January 2024 until the end of the Olympic qualifying period.*

• Secondary consideration: scores obtained from all CDI 3, 4*, 5*, CDI-W or CDIO competitions from 1 January 2023 until 31 December 2023.*

• Scores obtained will be considered in alignment with the competition format for the Paris 2024 Olympic Games:
   o *Scores achieved in Grand Prix Special (the test ridden in the Team final at the Games).*
   o *Scores achieved in Grand Prix (the test ridden in the Team and Individual qualifier at the Games that will support qualification to those Finals and secure the best possible draw in the Team Final at the Games).*
   o *Scores achieved in Grand Prix Freestyle (the test ridden in the Individual Final at the Games).*
   o *Scores in the Short Grand Prix may be taken into account as a final consideration, but only where agreement has not been reached following the primary and secondary considerations above."*

23.   In alignment with the MER for Dressage as stipulated in the FEI eligibility requirements, the timeline set by the Impugned Selection Criteria from 1st January, 2023, to 24th June, 2024, is appropriately structured. Both the Petitioner and Respondent No. 2 have successfully met the minimum requirement of achieving a score of 67% twice at the selected Olympic qualifying events within this timeframe, thus satisfying the MER and qualifying for participation in the Olympic event. This compliance

underscores that the selection process is consistent with the criteria and timeframe provided by the FEI. However, given that India has been allocated only one individual slot for an athlete-horse combination in the Dressage event, the Impugned Selection Criteria necessitates that the average of the four best Grand Prix events during the relevant period be considered to determine the final selection. This averaging method ensures a fair and comprehensive evaluation of the athletes' performances over a sustained period, reflecting their consistency and readiness for high-stakes competition.

24.   Upon application of this methodology, it was determined that the average performance score of Respondent No. 2 exceeded that of the Petitioner. This conclusion is supported by a comparative analysis of the four highest scores obtained by both competitors between 1st January, 2023, and 24th June, 2024. The scores are detailed in the chart below, providing a clear and objective basis for the selection decision:

ACHIEVEMENTS : SHRUTI VORA (FEI ID 10069972)
HORSE – MAGNANIMOUS (FEI ID-107OT20)
BEST FOUR SCORES

Start Date	NF	Show	Event	Competition	Score
22/06/2024	CZE	Brno	CDI-W	Grand Prix	68.174
07/06/2024	SLO	Lipica	CDI3*	Grand Prix	67.761
01/06/2024	AUT	St. Margarethen	CDI3*	Grand Prix	66.543
24/05/2024	CZE	Olomouc	CDI3*	Grand Prix	66.174
Total					**268.652**
Average					**67.163**

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ACHIEVEMENTS : ANUSH AGARWALLA (FEI ID 10172327)
HORSE – SIR CARAMELLO OLD (FEI ID-103OC55)
BEST FOUR SCORES

Start Date	NF	Show	Event	Competition	Score
28/12/2023	BEL	Mechelen	CDI-W	Grand Prix	68.261
27/10/2023	POL	Wroclaw, Partynice	CDI-W	Grand Prix	67.804
17/11/2023	GER	Stuttgart	CDI-W	Grand Prix	67.565
15/12/2023	GER	Frankfurt	CDI5*	Grand Prix	67.152
Total					270.782
Average Score					67.695

25.   The comparative scores of the Petitioner and Respondent No. 2 above, demonstrate that Respondent No. 2's average score surpasses that of the Petitioner, leading to his selection to represent India at the Paris Olympics, 2024. This outcome, derived from a methodical evaluation of performance data, substantiates the impartiality and objective standards upheld by the selection process.

26.   The Petitioner argued that prioritizing performances from previous years over those immediately preceding the Olympic event contravenes international norms and constitutes an irrational selection criterion. However, this Court finds that the criteria adopted by Respondent No. 1 aligns with those set forth by the FEI and are thus based in a rational and widely accepted international frameworks. The selection process, therefore, cannot be deemed perverse as it ensures that athletes are evaluated on a consistent and long-term performance basis rather than a transient or recent peak.

27.   While the Petitioner underscores the importance of recent

performances for assessing an athlete's consistency and readiness, the FEI's delineation of qualifying events spanning from 1st January, 2023, to 24th June, 2024, directly counters the argument that these scores are outdated. This period is strategically chosen to encompass a comprehensive view of an athlete's capabilities over a significant timeframe, thus ensuring that selections are made based on sustained excellence and resilience rather than momentary success. This approach negates any claim that the criteria are arbitrary or fail to capture the true competitive form of the athletes. The use of historical performance data in the selection process is not unique to Dressage but is a common practice in many sports where consistency over time is valued alongside peak performance. Historical performance provides a broader dataset to assess an athlete's resilience and ability to compete under varied conditions, which are crucial for high-stakes international events like the Olympic games.

28.   The Petitioner has endeavoured to highlight international selection practices, notably referencing the methodologies employed by the Netherlands and the USA, to support the contention that the criteria used by Respondent No. 1 deviate from global norms. This argument was bolstered by correspondence with individuals identified as experts in the field of Equestrian sports. Despite these submissions, the Court maintains that the selection practices of other nations, while informative, do not serve as a definitive benchmark for evaluating the criteria set by Respondent No. 1— an expert body recognized for its specialization in Equestrian sports within India.

29.   The assessment of arbitrariness or perversity in the selection criteria must be founded in the specific context and standards applicable to the

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governing body in question. The Court acknowledges the relevance of international practices but reiterates that the autonomy and expert judgment of National Sports Federations must not be undermined, in absence of clear evidence of irrationality or gross unfairness in their decision-making processes. In this instance, Respondent No. 1 has demonstrated adherence to a rational and transparent selection framework, as aligned with the international governing body, FEI, which justifies a deferential approach. Consequently, while the Petitioner's references to international practices serve to enrich the discourse on optimal selection methodologies, they do not, in themselves, establish the selection criteria employed by Respondent No. 1 to be arbitrary or perverse. The Court's focus remains on whether the established criteria were applied fairly and consistently, a standard which has been satisfactorily met in the present case.

30. Dr. Singhvi has argued that by endorsing the Impugned Selection Criteria, the Court would inadvertently undermine the integrity of the sport of Dressage. However, the Court remains unconvinced that it should deviate from the established legal principles as noted in the preceding paragraphs, on the basis of competing claims of athletes. It is noted that Respondent No. 1 is a specialized body with extensive expertise in Equestrian sports. Consequently, the Court is inclined to defer to their judgment in framing the selection criteria, rather than adopting the alternative approach proposed by Dr. Singhvi.

31. The Petitioner has also raised concerns regarding the venue differences in qualifying events, noting that Respondent No. 2's qualifying scores were primarily from indoor events, whereas the Olympic game competitions will be held outdoors. The Petitioner has highlighted her

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superior performance in recent outdoor events, including a score of 67.761% at Lipica, Slovenia on 7th June, 2024, and 68.174% at the Brno World Cup on 22nd June, 2024. In contrast, Respondent No. 2 scored 66.826% at an indoor event in Wiesbaden on 19th May, 2024, and 67.022% at Kronberg on 21st June, 2024. This difference in venue settings and performance is posited as a factor that could influence the efficacy of the selection criteria when applied to outdoor Olympic settings.

32.   In rebuttal, Mr. Baruah, representing Respondent No. 2, has pointed to his client's performance at Kronberg, which, despite being slightly above the MER, demonstrates Respondent No. 2's capability to perform well in close proximity to the Olympic games.

33.   However, the Court must not to base its decision on a comparative analysis of individual scores from specific events. The selection of Respondent No. 2 was based on the aggregate of higher average scores across the specified period, as stipulated by the selection criteria of the international federation - FEI. Given that these criteria have been determined not to be irrational, arbitrary, or perverse, the specific allegations made by athletes concerning one-another's performance at individual events do not bear significantly on the judicial assessment of the selection process's overall fairness and legality.

34.   Nonetheless, the Court acknowledges suggestions within the sporting community and perhaps among some experts, that recent performances should be given preferential consideration in selecting athletes for competitions as prestigious as the Olympics. This perspective stems from the belief that such scores more accurately reflect an athlete's current form and readiness for upcoming events. However, the judicial mandate does not

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extend to revising or dictating selection policies based on such preferences unless the existing criteria are proven to be irrational, arbitrary, or perverse.

35.   In the present case, the selection criteria established by Respondent No. 1 have been developed in alignment with international standards set forth by the FEI, which include a comprehensive evaluation of performances over a sustained period. It must also be noted that while recent performances are indeed significant, the ability to perform under various conditions — including different venues and pressures over the qualifying period — is equally critical. This broader perspective ensures that the selected athlete is versatile and capable of adapting to the diverse challenges presented by the Olympic environment. This approach not only tests an athlete's peak performance but also their consistency and resilience, attributes that are invaluable in such high-stakes competitions.

36.   The Court's role is not to determine the optimal criteria for selection but to ensure that the criteria applied does not violate basic principles of fairness or due process. While the Petitioner advocates for a model that prioritizes recent results, the selection system employed by Respondent No. 1 — considering a broader range of performances — is neither irrational nor arbitrary. It is a reasoned approach that aims to identify athletes who demonstrate sustained excellence, a critical factor for success in events such as the Olympic games.

37.   Therefore, absent clear evidence of arbitrary or capricious decision-making, or a selection criterion that blatantly disregards fairness or applicable standards, the Court must defer to the expertise and discretion of the sports governing bodies. The Impugned Selection Criteria, as they stand, do not reach the threshold of judicial intervention in terms of irrationality,

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arbitrariness, or perversity.

38.   In light of the above, the Court finds no merit in the present petition and accordingly the same is dismissed, along with the pending applications. Interim order(s) stands vacated.

Postscript

39.   While this judgment upholds the current selection criteria, it is important to recognize the dynamic nature of sports and the continuous evolution of competitive standards. Respondent No. 1, as an expert body, should remain open to reassessing and refining these criteria to adapt to any significant changes in the sport of Dressage or in response to feedback from athletes and other stakeholders. Such flexibility ensures that the selection process not only maintains its integrity and relevance but also aligns with best practices and emerging trends in sports governance. The ability to adapt and respond to the sporting community's needs is essential for nurturing a healthy competitive environment.

40.   Furthermore, the Court wishes to acknowledge the Petitioner's commendable dedication to the sport of Dressage. Dr. Singhvi highlighted her exceptional focus and perseverance, not only within her sporting discipline but also in balancing her responsibilities as a mother. This underscores a profound commitment to excellence. The Court recognizes that achieving such high standards in this demanding sport, while managing significant personal commitments, is truly no small feat. Such dedication forms the backbone of sports excellence and deserves commendation. It is the hope of this Court that the Petitioner continues to pursue her passion for Dressage with the same vigour and excellence. Her sustained efforts will enrich not only her personal achievements but also contribute significantly

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to the sporting community. This case, regardless of its outcome, should not be seen as a setback but as a testament to her commitment and a stepping stone for future endeavours.

41. The Court encourages the Petitioner to maintain her focus and dedication. Her journey can serve as an inspiration for many, particularly to those who juggle multiple roles while chasing their dreams.

SANJEEV NARULA, J

JULY 04, 2024
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