



\$~87

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

% *Date of Decision: 10.09.2026*

CNR No. DLHC010410212026

+ **W.P.(C) 12674/2026**

VINESH PHOGAT

.....Petitioner

Through: Mr. Rajshekhar Rao, Senior Advocate with Ms. Aashita Khanna, Mr. Ritwik Prakash, Mr. Neil M. Goswami and Ms. Vishakha Gupta, Advocates

versus

WRESTLING FEDERATION OF INDIA
& ORS.

.....Respondents

Through: Mr. Hemant Phalpher and Mr. Karishmit Keswani, Advocates for R-1.
Mr. Udit Dedhiya, SPC with Mr. Rahul Mourya, GP and with Mr. Preyansh Gupta and Mr. Arihant Shrivardhan, Advocates for R-2.
Ms. Kumudavalli Seetharaman
Ms. Geetika Vyas, Advocates for IOA.
Ms. Rajni Gupta, SPP - CBI with Mr. Shivendra Gupta and Mr. Siddharth Shekhar, Advocates for R-4/CBI

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

DR. SWARANA KANTA SHARMA, J. (Oral)



CM APPL. 61231/2026 (for seeking permission to participate in the selection trials)

1. By way of the present application, the applicant seeks following prayers:

“A. Take on record the Circular dated 07.09.2026 issued by Respondent No.1 prescribing the eligibility criteria for the Selection Trials for the 2026 Senior World Wrestling Championships;

B. Pending the hearing and final disposal of the accompanying Writ Petition, stay the operation and implementation of the Circular dated 07.09.2026 insofar as it excludes the Petitioner World Wrestling Championships;

C. Direct Respondent No.1 to provisionally include the Petitioner in the eligibility pool and permit her to participate in the Women’s Selection Trials scheduled for 14.09.2026 at Indira Gandhi Stadium, New Delhi, in the appropriate Olympic weight category, subject to the final outcome of the accompanying Writ Petition;

D. Direct Respondent No.1 not to treat the Petitioner’s nonparticipation in the qualifying competitions under the Circular dated 07.09.2026 as a disqualification, where such nonparticipation arose from her maternity-related absence or her having been prevented from participating at Gonda by Respondent No.1;

E. Direct Respondent No.1 to take into consideration, as a relevant circumstance evidencing the Petitioner’s return to competitive wrestling, her participation and performance in the Asian Games Selection Trials held on 30.05.2026 including her progression to the semi-final, without treating the same as conferring any automatic or vested right of selection upon the Petitioner...”

2. By way of the captioned writ petition, the petitioner has, *inter alia*, sought issuance of directions to respondent no. 1, i.e. the Wrestling Federation of India [**WFI**], to formulate and implement a fair, transparent and structured framework governing the return of women athletes to competitive sport following pregnancy, childbirth and post-partum recovery, so that maternity-related absence does not, by itself, operate to their disadvantage in accessing domestic competitions, Selection Trials or subsequent selection opportunities.



3. The brief background to the filing of the present writ petition is that the petitioner, a competitive wrestler, had remained away from active competition during the period 2024-2025 on account of pregnancy, childbirth and post-partum recovery, during which period she had duly informed the concerned sporting and anti-doping authorities of her sabbatical and proposed return to competition. It is stated that the International Testing Agency (ITA), acting on behalf of United World Wrestling (UWW), had, *vide* communication dated 03.07.2025, confirmed that she would be eligible to compete from 01.01.2026 onwards. WFI thereafter prescribed eligibility criteria for the Asian Games Selection Trials, by way of the Asian Games Selection Policy dated 25.02.2026, based on specified qualifying competitions held in the years 2025 and 2026. The petitioner had been unable to participate in the said competitions during her maternity-related absence, resulting in her exclusion from the selection process. In the meantime, the Senior Open Ranking Tournament was announced at Gonda, Uttar Pradesh, from 10.05.2026 to 12.05.2026, for which the petitioner had registered herself. WFI also announced the dates for the Asian Games Selection Trials, fixing the same for 30.05.2026 and 31.05.2026. However, immediately prior to the trial to be held at Gonda, Uttar Pradesh, respondent no. 1 issued a show cause notice dated 09.05.2026 [hereafter '**first SCN**'] to the petitioner and declared her ineligible to participate in WFI events till 26.06.2026. As a result, she was prevented from participating in the said tournament from 10.05.2026 to 12.05.2026. The petitioner consequently approached this Court by



way of W.P.(C) 6766/2026, challenging the first SCN as well as the exclusionary nature of the Asian Games Selection Policy dated 25.02.2026. Notice was issued in the said petition *vide* order dated 18.05.2026, returnable on 06.07.2026, and, in the meantime, it was directed that the said SCN be taken to its logical conclusion prior to the next date of hearing; however, no interim relief was granted. Thereafter, the petitioner assailed the said order before the Division Bench, which, *vide* judgment dated 22.05.2026 in LPA No. 399/2026, made *prima facie* observations that the Asian Games Selection Policy dated 25.02.2026 was completely arbitrary, discriminatory and exclusionary in nature, and that motherhood could not have operated to prejudice a woman in her career. It was also observed that the first SCN issued by WFI to the petitioner, referring to events of the past two years, appeared to be pre-mediated. Therefore, while leaving the merits of the case to be decided by the Predecessor Bench in W.P.(C) 6766/2026, the Division Bench permitted the petitioner herein to participate in the Asian Games Selection Trials, which were scheduled for 30.05.2026 and 31.05.2026. Pursuant thereto, the petitioner participated in the said trials held on 30.05.2026 in the 53 kg category and reached the semi-final. However, WFI issued the second Show Cause Notice dated 17.06.2026 [hereafter '**second SCN**'] to the petitioner for alleged misconduct at the Asian Games Selection Trials. Eventually, on 06.07.2026, W.P.(C) 6766/2026 was disposed of, observing that the prayers challenging the Asian Games Selection Policy had become infructuous and, therefore, directing WFI to decide the first SCN



dated 09.05.2026 within a period of two weeks. Thereafter, several communications were exchanged between the petitioner and WFI in relation to the proceedings concerning the first SCN and the second SCN; however, till date, neither of the said SCNs has culminated in any order.

4. Against the aforesaid backdrop, the petitioner instituted the present petition, which was listed on 01.09.2026. On that date, the learned counsel for the respondents sought time to take instructions, whereafter the matter was adjourned to 29.09.2026.

5. In the meantime, the present application came to be filed by the petitioner on account of respondent no. 1/WFI having issued the Circular dated 07.09.2026 prescribing the eligibility criteria for the Selection Trials for the 2026 Senior World Wrestling Championships. The Women's Selection Trials were scheduled for 14.09.2026 at Indira Gandhi Stadium, New Delhi, while the Championships are scheduled to be held from 24.10.2026 to 01.11.2026 at Astana, Kazakhstan. The said Circular prescribed eligibility on the basis of specified past competitions, including the 2025 Senior National Wrestling Championship, 2026 Senior Open Ranking Tournament at Gonda, 2026 U23 National Wrestling Championship, Federation Cup, National Coaching Camp and 2026 U20 World Championship.

6. Aggrieved by the aforesaid Circular, the petitioner, by way of the present application, seeks permission to participate in the aforesaid Selection Trials scheduled to be held on 14.09.2026 for the



2026 Senior World Wrestling Championships at Astana, Kazakhstan.

7. The learned senior counsel appearing on behalf of the petitioner argues that the Circular dated 07.09.2026 perpetuates the exclusionary selection framework which had already been *prima facie* found arbitrary and discriminatory by the Division Bench in its judgment dated 22.05.2026 in LPA No. 399/2026. It is submitted that the Circular prescribes a closed list of qualifying competitions without making any provision for athletes returning to competitive sport after pregnancy, childbirth and post-partum recovery, although the petitioner's absence from the prescribed competitions had been occasioned by such circumstances and not by any lack of sporting ability or willingness. The learned senior counsel argues that the petitioner had demonstrated her return to competitive wrestling by participating in the Asian Games Selection Trials held on 30.05.2026 in the 53 kg category, where she had reached the semi-final. It is submitted that she does not claim any automatic right to selection, but only seeks an opportunity to participate in the present Selection Trials. The learned senior counsel further contends that WFI cannot also rely upon the petitioner's non-participation in the Gonda Senior Open Ranking Tournament after having itself prevented her from participating therein by issuing the first SCN, despite having earlier confirmed her registration, and thereafter having included the said tournament as a qualifying event. It is also contended that the pendency of disciplinary proceedings cannot operate as an automatic bar to participation, particularly when the Circular refers to wrestlers



who have been “found guilty” of indiscipline and no final finding of guilt or operative order of disqualification has been passed against the petitioner. It is submitted that the matter involves grave urgency, as the Selection Trials are scheduled for 14.09.2026 and, unless the petitioner is permitted to participate provisionally, the selection process and the ensuing Championship would be completed before the substantive challenge can be adjudicated, thereby rendering the relief substantially infructuous.

8. The learned counsel appearing on behalf of respondent no. 1 submits that the present petition is misconceived, as the petitioner has no vested right to participate in the Selection Trials without satisfying the eligibility criteria prescribed under the Circular dated 07.09.2026. It is submitted that the criteria have been uniformly prescribed for all athletes and cannot be relaxed for the petitioner merely on account of her inability to participate in certain qualifying competitions. The learned counsel submits that the judgment dated 22.05.2026 in LPA No. 399/2026 had permitted the petitioner to participate in the Asian Games Selection Trials in the peculiar facts of that case and did not grant her any continuing exemption from the eligibility requirements for subsequent competitions. It is further submitted that several qualifying competitions under the present Circular were held after the petitioner’s sabbatical had ended, yet she had not participated therein. The learned counsel further submits that the petitioner’s reliance on the pending disciplinary proceedings is misplaced, particularly when she had been afforded repeated opportunities to appear before



respondent no. 1 pursuant to the order dated 06.07.2026 but had failed to avail the first three opportunities. It is submitted that permitting the petitioner to participate provisionally would prejudice the uniform selection process and other athletes who had fulfilled the prescribed eligibility requirements. The petitioner cannot claim participation as a matter of right merely because she does not seek automatic selection. It is, therefore, prayed that the interim relief sought by the petitioner be declined.

9. This Court has **heard** arguments addressed by learned senior counsel for the petitioner and learned counsel for the respondent no. 1, and has perused the material on record.

10. At the outset, it is necessary to take note of the background in which the present application has been filed. As noted above, the petitioner had earlier approached this Court challenging, *inter alia*, the Asian Games Selection Policy dated 25.02.2026 and the first SCN dated 09.05.2026. The grievance of the petitioner, at that stage, was principally that the eligibility criteria prescribed for the Asian Games Selection Trials were based upon participation in specified competitions during a period when she had remained away from competitive wrestling on account of pregnancy, childbirth and post-partum recovery. The Division Bench, while considering the matter, made certain *prima facie* observations regarding the exclusionary nature of the said policy and also permitted the petitioner to participate in the Asian Games Selection Trials scheduled for 30.05.2026 and 31.05.2026. The said relief was granted in the context



of the then prevailing Asian Games Selection Policy and the first SCN; the same, in this Court's opinion, cannot, at this stage, be construed as conferring upon the petitioner any general or continuing exemption from the eligibility criteria prescribed by WFI for subsequent competitions. Pursuant thereto, the petitioner participated in the Asian Games Selection Trials held on 30.05.2026 in the 53 kg category and reached the semi-final. It is not disputed that she was not ultimately selected for the Asian Games. More importantly, subsequent to the said trials, WFI issued the second SCN dated 17.06.2026 to the petitioner in respect of the alleged acts of misconduct/indiscipline during the said Selection Trials. The said proceedings are admittedly pending and have not culminated in any final order.

11. The subsequent developments are also relevant to be considered while considering the present prayer. This Court is conscious that the second SCN is itself under challenge in the present writ petition and, therefore, does not propose to express any opinion on the merits of the allegations contained therein. However, the pendency of the said proceedings cannot be completely ignored while considering whether the petitioner ought, at this stage, to be permitted to participate in another selection process leading to an international championship. The second SCN arises from misconduct alleged against the petitioner during the very Selection Trials in which she had been permitted to participate pursuant to the order of the Division Bench. Thus, the present case cannot be considered only



with reference to the petitioner's earlier maternity-related absence and the *prima facie* observations made by the Division Bench in that context. The subsequent events related to the disciplinary proceedings are also relevant. On 06.07.2026, the earlier writ petition, i.e. W.P.(C) 6766/2026 was disposed of with a direction to respondent no. 1 to decide the first SCN dated 09.05.2026 within a period of two weeks. Thereafter, respondent no. 1 issued a meeting notice dated 15.07.2026 fixing the meeting for 22.07.2026. The petitioner did not appear before the Committee on the said date and instead raised an objection regarding the composition of the Committee, stating that the composition had not been communicated to her, and called upon WFI to first furnish her the names and designations of the members of the Disciplinary Committee together with the resolution constituting the same, and further sought that no proceedings on merits be undertaken pending such disclosure. A further meeting notice dated 31.07.2026 was thereafter issued in relation to the second SCN, fixing the meeting for 07.08.2026. The petitioner again did not appear and raised a similar objection regarding the composition of the Committee. Thereafter, another notice dated 21.08.2026 was issued in relation to the second SCN, fixing the meeting for 02.09.2026, whereafter the petitioner chose to file the present writ petition. Subsequently, notice dated 05.09.2026 was issued in relation to the first SCN, fixing the meeting for 09.09.2026.

12. Thus, the record *prima facie* indicates that repeated



opportunities were afforded to the petitioner to appear before respondent no. 1's Disciplinary Committee and place her case in relation to the pending proceedings, arising out of first SCN as well as second SCN. The petitioner chose not to avail the first three such opportunities and, instead, raised objections regarding the non-disclosure of the composition of the Disciplinary Committee.

13. The above chronology is particularly relevant since the petitioner was aware, at least since 06.07.2026, of the direction issued to respondent no. 1 to conclude the first SCN. The time granted by this Court expired in July 2026. Yet, the petitioner did not approach this Court immediately with a grievance regarding non-conclusion of the proceedings. The present writ petition was listed only on 01.09.2026, and the present application was thereafter necessitated due to issuance of Circular dated 07.09.2026 and the impending Selection Trials scheduled for 14.09.2026, for 2026 Senior World Wrestling Championships, Kazakhstan. The petitioner has thus approached this Court at a stage when the Selection Trials are imminent and seeks, by way of interim relief, permission to participate notwithstanding her not satisfying the eligibility criteria prescribed under the said Circular.

14. Coming to the Circular dated 07.09.2026, this Court notes that respondent no. 1 has prescribed certain eligibility criteria for participation in the Selection Trials for the 2026 Senior World Wrestling Championships. The criteria is based upon participation in specified competitions, pertaining to years 2025-2026, and other



categories identified by respondent no. 1. Undisputedly, the said criteria is not framed specifically against the petitioner, but are to apply uniformly to athletes seeking to participate in the Selection Trials.

15. It is undoubtedly the petitioner's case that she could not participate in some of the prescribed competitions because of her pregnancy, childbirth and post-partum recovery. The petitioner also contends that she could not participate in the Senior Open Ranking Tournament at Gonda on account of the first SCN dated 09.05.2026, which had prevented her from participating in WFI events at that time. These facts and circumstances will certainly be considered by this Court while examining the validity and application of the selection framework of the WFI. The broader question as to whether a selection policy ought to provide an appropriate mechanism for athletes returning to competitive sport after pregnancy and childbirth, and whether the absence of such a mechanism renders the policy arbitrary or discriminatory, would also require detailed consideration at the stage of final adjudication of the writ petition.

16. However, at this stage, this Court is not inclined to grant an interim exemption from the eligibility criteria, to allow the petitioner to participate in the selection trials on 14.09.2026. To reiterate, the criteria prescribed under the Circular dated 07.09.2026 applies uniformly to all athletes. An athlete who has not participated in the prescribed competitions, for whatever reason, would not fall within the eligibility categories specified by respondent no. 1. The



petitioner's circumstances relating to pregnancy, childbirth and post-partum recovery would require consideration while examining the validity of the policy; however, that does not, at the interim stage, by itself entitle the petitioner to a direction permitting her to participate contrary to the eligibility criteria. The earlier order of the Division Bench does not persuade this Court to take a different view at this stage, as the interim relief granted therein was in the context of the Asian Games Selection Policy dated 25.02.2026 as well as the first SCN dated 09.05.2026 and the *prima facie* observations that the first SCN and the contents of it appeared pre-mediated. Further, after the said order, the petitioner did participate in the Asian Games Selection Trials, though could not qualify. However, a subsequent second SCN dated 17.06.2026 came to be issued in respect of the alleged misconduct of the petitioner during those very trials. As observed hereinabove, this Court is not expressing any opinion on the merits of the said SCN; *nevertheless*, while considering the petitioner's request for another interim relief allowing her to participate in the trials to be held on 14.09.2026, for 2026 Senior World Wrestling Championships, the subsequent developments are relevant circumstances which cannot be ignored by this Court.

17. This Court is also conscious of the fact that the petitioner does not claim any automatic or vested right to be selected for the Senior World Wrestling Championships and seeks only an opportunity to participate in the Selection Trials. However, participation in the Selection Trials itself is subject to the eligibility criteria prescribed by



respondent no. 1. The fact that the petitioner seeks only participation and not selection does not, therefore, dispense with the requirement of satisfying the eligibility criteria.

18. In the present circumstances, directing respondent no. 1 to permit the petitioner to participate provisionally would, in substance, amount to carving out an exception, only in her favour, from the eligibility criteria applicable to all other athletes. It is pertinent to note that the eligibility criteria prescribed under the Circular dated 07.09.2026 is common to all athletes and are not directed specifically against the petitioner. Permitting the petitioner to participate by granting her a special dispensation, therefore, would not only be unfair to other athletes across the country who may have a similar grievance against the policy but are not before this Court, but would also have the effect of opening a Pandora's box, with other athletes seeking similar exceptions from the prescribed eligibility criteria. Such a direction, at this stage, cannot be issued without first examining and adjudicating upon the validity of the policy itself.

19. This Court is also mindful that selection to represent the country at an international championship carries with it considerations extending beyond the individual claim of any particular athlete. The interest of the country in ensuring that its representatives are selected through a fair, uniform and performance-based process is of paramount importance. At this interim stage, therefore, this Court is of the view that the eligibility criteria applicable to all athletes ought not to be relaxed in favour of the



petitioner alone, particularly when such relaxation may have consequences for other similarly situated athletes who are not before this Court.

20. This Court is also conscious that the larger question as to how motherhood and maternity are to be balanced against the demands of a sporting career, and whether an athlete ought to require to choose between motherhood and pursuing her career, merits careful consideration. However, that issue is yet to be finally examined and adjudicated upon in the present proceedings. Till the validity and applicability of the selection policy itself is adjudicated upon, the eligibility criteria prescribed thereunder cannot simply be set aside or wished away in the case of one athlete, and a special class cannot be carved out in favour of the petitioner, particularly when other athletes similarly placed may also face a comparable dilemma and may be required to make similar choices in the course of their sporting careers. Granting such interim relief to the petitioner alone, without first adjudicating upon the policy itself, may consequently result in unequal treatment of similarly situated athletes who are not before this Court.

21. Accordingly, without expressing any final opinion on the validity of the Circular dated 07.09.2026 or on the merits of the pending disciplinary proceedings, this Court is not inclined to grant the interim relief sought by the petitioner at this stage.

22. The application i.e. *CM APPL. 61231/2026* is accordingly dismissed.



2026:DHC:7773



W.P.(C) 12674/2026

23. Arguments have been *part heard*.
24. List on date fixed i.e. 29.09.2026.
25. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

SEPTEMBER 10, 2026/ns

T.D./T.S.