



Serial No.19
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP (C) No.648/2025

Date of order: 16.12.2025

Shillong Cricket Association, Polo Ground, Shillong 793001, through its President Shri Peter Macdonald K. Sawian

Vs.

1. Meghalaya Cricket Association, through its Honorary Secretary, J.N. Stadium, Polo Ground, Shillong-793001.
2. Mr. Hemant Nazary, IAS (Retd.), Returning Officer, Meghalaya Cricket Association, J.N. Stadium, Polo Ground, Shillong-793001.
3. The Board of Control for Cricket in India, 4th Floor, Cricket Centre, Wankhede Stadium 'D' Road, Churchgate, Mumbai-40020.
4. Mr. Rayonald Kharkamni, Honorary Secretary, Meghalaya Cricket Association, J.N. Stadium, Polo Ground, Shillong.
5. The Deputy Commissioner, East Khasi Hills District, Shillong.

Coram:

Hon'ble Mr. Justice H.S. Thangkhiew, Judge

Appearance:

For the Petitioner	: Dr. N. Mozika, DSGI with Ms. K. Gurung, Adv
For the Respondents	: Mr. S. Dutta, Sr.Adv with Mr. I. Lahiri, Adv Mr. P. Sengupta, Adv Mr. K.V. Kharlyngdoh, Adv for R/1-4 Mr. N.D. Chullai, AAG with Ms. R. Colney, GA

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

**JUDGMENT: (Oral)**

The present writ petition has been filed by the Shillong Cricket Association (SCA) an affiliated to the Meghalaya Cricket Association (MCA) which is in turn affiliated to the Board of Control for Cricket in India (BCCI). The grievance as set forth is with the electoral process adopted for the MCA General Elections 2025, on the ground that the process adopted is irregular, arbitrary, opaque and not in consonance with the BCCI Memorandum of Association, and the Rules and Regulations thereof, and also of the MCA Memorandum of Association, and the Rules and Regulations as amended.

2. The core questions that have been raised by the petitioner is firstly with the appointment of the respondent No.2 a former Chief Electoral of Assam, as the Electoral Officer to conduct the elections on the ground that it violates Rule 36 of the MCA Constitution which stipulates that the Electoral Officer should be a former Central or State Election Commissioner. The other question that has been raised is with the schedule for the elections wherein, it is alleged that the same suffers from critical procedural flaws, notably with regard to the preparation of the draft electoral roll published on 26.11.2025 and the final electoral



roll published on 27.11.2025 where the names of the authorised voting representatives of the affiliated units of the MCA were not disclosed. Further, it has been contended that the window for objections provided in the schedule, were illusory and deprived members of any meaningful opportunity to scrutinize voter eligibility, inasmuch as, the names of the representatives was disclosed only on 03.12.2025, after the objection period had closed and the nomination and scrutiny stages over.

3. The President of the Petitioner Association who was also an aspiring candidate for the post of Vice President of the MCA, withdrew his candidature on 02.12.2025 being dissatisfied with the alleged compromise nature of the electoral process and representations to Electoral Officer in-charge of the election and also to the Deputy Commissioner of East Khasi Hills had been preferred on 04.12.2025 which, however, before the same could bear any fruit, in view of the impending elections scheduled for 09.12.2025, the instant writ petition had been filed on 08.12.2025.

4. Dr. N. Mozika, learned senior counsel with Ms. M. Myrchiang on behalf of the petitioner has raised key contentions which are (i) illegal appointment of Electoral Officer (ii) defective electoral roll



process (iii) violation of mandatory timelines (iv) truncated and unfair process being adopted and (v) invocation of writ jurisdiction being appropriate as the irregularities were grave and affected public interest. On the first contention, it has been submitted that the Constitution of the MCA at clause 36(1) mandates that the Apex Council of the MCA, shall appoint an Electoral Officer who should be a former Central or State Election Commissioner, and that the directions issued by the ‘Committee Of Administrators on Appointment of Electoral Officers, pursuant to order dated 02.01.2017 passed by the Hon’ble Supreme Court, at para 1(c) thereof, also allows for the appointment of a former Chief Electoral Officer of the State and in case such person is not available, then a former Chief Electoral Officer of a neighbouring State may be appointed. In the instant case, he submits though there is an availability of former Chief Electoral Officers in the State itself, a former Chief Electoral Officer from Assam has been appointed.

5. On the second contention, it has been submitted that the schedule as published especially the publication of the electoral roll made the period for objection a farce, inasmuch as the final electoral roll with the names was published on 03.12.2025, after the window for



objections was already closed, which rendered the process opaque and prevented any check on voter eligibility. To buttress this argument, the learned senior counsel has drawn the attention of this Court to clause 32(3) of the Rules which he submits, provides for the voting of any members association to be through the President and in his absence by the Honorary Secretary whereas, the final electoral roll reveals that a Treasurer of the West Jaintia Hills District Cricket Association has been named as a voting representative. Further, it is submitted that the campaigning period from 02.12.2025 to 08.12.2025, commenced before the final voters list was published on 03.12.2025 which apart from making the period ineffective, also contravened the Rule requiring the communication of the said list not later than one week before the election date, which should have been 02.12.2025. In support of his contention that invocation of writ jurisdiction is appropriate, the learned senior counsel has placed reliance in the case of *Ameen Pathan v. State of Rajasthan*: 2025 SCC OnLine Raj 2607, wherein he submits it has been held that courts can interfere in an election process in special circumstances when executive actions subvert the principles of fairness and equal opportunity.



6. Mr. S. Dutta, learned senior counsel with Mr. I. Lahari appearing on behalf of the respondent No.1 in reply, has first questioned the locus of the petitioner and submits that the petitioner is merely a voter and not a candidate and as such cannot challenge the election process, and that the writ petition is a motivated afterthought filed only after their candidate withdrew apprehending defeat. It is then submitted that the appointment of the Electoral Officer, is justified and that the BCCI directions referred to by the counsel for the petitioner allows the appointment of a former Chief Electoral Officer of neighbouring State. The categories mentioned therein he submits, are not a prescription to maintain strict hierarchy, but are alternative options. The adopted election procedure he submits, is an established practice and it is identical to the elections held in 2022 wherein, the petitioner participated without objection. The voters list he contends, are the District Associations as reflected in the draft electoral roll, which was up for objection as per the schedule and that the names of the representatives of the respective Associations, was disclosed later for logistical reasons and no prejudice can be said to have been caused to the petitioner.



7. It is further submitted that the Rules provide for alternate remedy as contained at Rules 40 and 4,1 where an Ombudsman is available and the grievance redressal mechanism spelt out. The writ petition he argues, is premature and an abuse of the process, inasmuch as, there is no material illegality, or the existence of any ground for invalidating, or cancelling the election when the process is already underway. The objections if any he contends, are purely technical and will have no impact on the outcome of the final election.

8. Having heard the learned counsel for the parties, this Court first has to be mindful of the fact that courts are slow to interfere in matters of election, once the process has commenced, be it of any nature, especially on the availability of alternate remedy. However, on examination of the facts as presented, it appears that some consideration and observations are necessary on the issues that have been raised. In this context therefore, it is first noted that Rule 36 of the MCA Memorandum of Association and the Rules and Regulations as amended governs the conduct of elections and Rule 36(3) and provides as follows:

**“36. The Electoral Officer**

(1)

(2)

(3) In case of any dispute or objection as to candidacy, disqualification, eligibility to vote, or the admission or rejection of a vote in the elections to the Apex Council, the Electoral Officer shall decide the same and such decision shall be final and conclusive.”

This provision as can be seen, vests the Electoral Officer with authority to adjudicate disputes relating to consideration of candidacy and voter eligibility. As such, the MCA Rules itself provides for the redressal of grievances such as the ones raised by the petitioner. However, coming to Rule 36(1) it provides that at least four weeks prior to the annual general meeting at which the election is to be held, the Apex Council is to appoint an Electoral Officer who shall be a former Central or State Election Commissioner. This requirement when read together with the directions issued by the Committee of Administrators appointed by the Supreme Court for supervision of the administration of the BCCI dated 25.07.2019, allows for the appointment of a former Chief Electoral Officer of the State at clause 1(c) thereof, however, also providing that in such case if a person is not available a former Chief Electoral Officer of the neighbouring State may be appointed. In the instant case, the Apex Council has perhaps overlooked this prescription



inasmuch as a former Chief Electoral Officer from Assam (respondent No.2) has been appointed.

9. On the other issue that is the schedule of elections that has been published by the Electoral Officer that is respondent No.2 for the sake of convenience the same is reproduced hereinbelow:

**OFFICE OF THE ELECTORAL OFFICER,
MEGHALAYA CRICKET ASSOCIATION (MCA)**

**SUB: NOTICE OF ELEVATION SCHEDULE AND CALL FOR
FULL MEMBERS TO FILE APPLICATIONS TO NOMINATE
THEIR RESPECTIVE REPRESENTATIVES**

1. The Electoral Officer, Meghalaya Cricket Association (“MCA”) hereby invites Full Members of the MCA to submit applications to have their respective representatives (“Representatives”) included in the electoral roll for the election to be held at the General Meeting of the MCA, on **9th December, 2025** (“MCA Election”), for the posts of six (6) members of the Apex Council (as members elected by the General Body under Rule 25 (b)(iv) of the MCA Constitution).

2. The MCA Election process shall be conducted in accordance with the Schedule provided in Table 1 below (“Election Schedule”).

Table 1 – Election Schedule

Event		Date/Timeline
1.	Call for Affiliated Districts to File Application to Nominate One Representative as voter for MCA Election	19th November 2025
2.	Deadline for Members to File Application to Nominate their Representative via email	25th November 2025 06.00 pm
3.	Release of Draft Electoral Roll	26th November 2025 05.00 pm
4.	Submission of Objections to Names in the Draft Electoral Roll	27th November 2025 11.00 am to 03.00



		pm
5.	(i) Examination of Objections and Decisions Thereon (ii) Release of Final Electoral Roll	27th November 2025 06.00 pm onwards
6.	Windows to File Nomination Application (To be filled in person)	1st December 2025 11.00 am to 04.00 pm
7.	Scrutiny of Nomination Applications	1st December 2025 04.00 pm to 05.00 pm
8.	Announcement of List of Validity Nominated Candidates (Code of conduct)	1st December 2025 06.00 pm
9.	Withdrawal of Nomination (in person)	2nd December 2025 11.00 am to 05.00 pm
10.	Announcement of List of Contesting Candidates	2nd December 2025 06.00 pm
11.	MCA Elections (Casting of Votes)	9th December 2025 01.00 pm to 03.00 pm
12.	Declaration of Results (Counting of Votes)	9th December 2025 03.00 pm to 04.00 pm

10. A perusal of the schedule would show that the objection window was limited to 27.11.2025 between 11 am and 3 pm, with the release of the final electoral roll scheduled at 6 pm of the same day. However, as can be seen from the records, the draft and final electoral rolls, only named the respective member associations and not the identities of the authorised voting representatives, which was disclosed only on 03.12.2025, after the objection period was closed and after the



nomination and withdrawal stage was over. The ground taken that the petitioner was effectively prevented from filing a meaningful objection therefore, has some basis, as raising of objections in electoral processes as to voter eligibility etc. is integral to any electoral process which ensures fairness and transparency. These issues, in the light of clause 36(3) though available to the petitioner to raise before the respondent No.2, however, due to the schedule, the same precluded such action.

11. On the question of availability of alternate remedy as observed earlier, Rule 40 has provided for an Ombudsman and at Rule 41 speaks of circumstances and the grievance redressal stipulations. In the course of hearing, it has been submitted that such an Ombudsman exists and that the present dispute, being one between affiliated members under the BCCI structure would squarely fall within the ambit of Rules 40 and 41. No doubt, recourse can be resorted to under the aforesaid provisions, but in the instant case, perhaps for the purpose of the instant election, considering the fact that the same has been postponed on Court orders to 19.12.2025, the matter has to be settled at the earliest to avoid any further delay.



12. At this juncture, it would not be out of place to mention herein that the President of the petitioner Association was a nominated member of the Apex Council which had ratified the appointment of the respondent No.2 as the Chief Electoral Officer for the MCA 2025 General Elections and had also participated in the meeting where the election schedule was discussed and ratified. This aspect, cannot be ignored by this Court, which while noticing that the election schedule and appointment of the Electoral Officer is under a cloud due to the discrepancies mentioned earlier, the process having gone ahead, it would be best left to the Electoral Officer himself to exercise powers under Rule 36(3) of the MCA Rules to address the grievances relating to voters eligibility and candidacy, take corrective steps to enhance transparency in the electoral rolls and to ensure the conduct of smooth and fair elections.

13. Though the powers of this Court under Article 226 of the Constitution are wide enough to address any grievance, considering the facts and circumstances of the case and the legal position as discussed above, in the considered view of this Court, especially on the availability of alternative remedy, no further interference is called for



and the matter is left to be decided by the Chief Electoral Officer in accordance with law, for any necessary course of action to be put in place, while maintaining probity and transparency.

14. Accordingly, as per the discussions and observations made hereinabove the instant petition is closed and disposed of.

Judge

Meghalaya
16.12.2025
"*Lam*" DR-PS