

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.20234 of 2019

ORDER:

This writ petition is filed challenging the note dated 12-09-2019 issued by the 2nd respondent to the extent of holding that Councilor i.e. Member of Governing Council or Office Bearers and Councilors who served for a maximum cumulative period of nine years as Executive Committee Member/Councilor/Office Bearer or a combination of above three categories, is not eligible to contest ensuing elections 2019 and for consequential direction to the 2nd respondent to accept the nomination of the petitioner to the post of Secretary, pursuant to election notice dated 09-09-2019 as valid.

Sri N.Aswani Kumar, learned Standing Counsel appearing for respondents submits that the Supreme Court of India in Civil Appeal No.4235 of 2014, dated 14-03-2019 held that no Court or Tribunal shall entertain or proceed with any matter pertaining to BCCI or any State Cricket Association/s involved. As such this Court cannot entertain this writ petition.

On the other hand, Sri B.Vijayasen Reddy, learned counsel for the petitioner submits that the issues before the Supreme Court are one with regard to applications for rectification of the Registered BCCI Constitution and for release of funds. But in the present case the dispute is

regarding consideration of candidature for contesting the elections. As such the judgment of Supreme Court relied on by Standing Counsel is not relevant for the present dispute.

In this case it is to be seen that learned Standing Counsel appearing for respondents brought to the notice of this Court the judgment passed by Andhra Pradesh High Court in WA.No.260 of 2019, dated 03-09-2019 and also High Court of Bombay in WP.No.191 of 2019, dated 09-09-2019. The issue before the Andhra Pradesh High Court is regarding conducting of elections and learned Single Judge ordered stay of elections. But the Division Bench has set aside the same and allowed the Writ Appeal by relying on the order passed by Supreme Court stated supra and in para No.8 of Writ Appeal held as under:

“ From the reading of the above it is very clear that till amicus curiae submits a report, it is not desirable for any court or tribunal in India to entertain or proceed with any matter pertaining to BCCI or any other cricket association involved. The learned counsel for the writ petitioner/respondent would submit that direction given therein would apply only to Kerala Cricket Association and not to any other association. We are not inclined to accept the same. A reading of the order would show that the issue relating to Kerala Cricket Association was dealt separately in W.P.(Civil) No.79 of 2019. No orders subsequent to the said order dated 14.3.2019 has been placed on record. Hence, we feel that it may not be proper to stay the elections that no Court or Tribunal in India should entertain or proceed with any matter pertaining to BCCI or any State Cricket

Association. Aggrieved person, if so advised, may seek appropriate clarification from the Apex Court.”

Since the Apex Court clearly held that no Tribunal or Court shall entertain or proceed with any matter pertaining to BCCI or any State Cricket Association/s involved, though learned counsel for the petitioner made submissions on merits, I am not inclined to entertain the writ petition.

In view of the above facts and circumstances, this writ petition is dismissed. As a sequel, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

20-09-2019
Nvl



