

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21057 of 2021

Ajay Narayan Sharma Son of Late Kumar Narayan Sharma Resident of Shyam Bhawan, Chaudhary Tola, P.O. Mahendru, P.S. Sultanganj, District-Patna.

... .. Petitioner/s

Versus

1. The Board of Control for Cricket in India through its Honorary Secretary, Cricket Centre, 4th Floor, Wankhede Stadium Road, Church Gate, Mumbai-400020.
2. Mr. Saurav Ganguly, The Honorary President, Board of Control for Cricket in India, Cricket Centre, 4th Floor, Wankhede Stadium Road, Church Gate, Mumbai- 400020.
3. Sri Jay Sah, The Honorary Secretary, Board of Control for Cricket in India, Cricket Centre, 4th Floor, Wankhede Stadium Road, Church Gate, Mumbai-400020.
4. Chetan Sharma, Chairman, Senior Selection Committee, Board of Control for Cricket in India, Cricket Centre, 4th Floor, Wankhede Stadium Road, Church Gate, Mumbai- 400020.
5. Abey Kuruvilla, Senior Selection Committee, Board of Control for Cricket in India, Cricket Centre, 4th Floor, Wankhede Stadium Road, Church Gate, Mumbai- 400020.
6. The Bihar Cricket Association through its Honorary President, Shail Raj Complex, Budha Marg, Patna- 800001.
7. Sri Rakesh Kumar Tiwary, Honorary President, Bihar Cricket Association, Shail Raj Complex, Budha Marg, Patna- 800001.
8. The Committee of Management, Bihar Cricket Association, Shail Raj Complex, Budha Marg, Patna- 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jagannath Singh, Advocate
For the Respondent/s	:	Mr. Raju Giri, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)



Date : 28-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

i. For issuance of a writ in the nature of mandamus or any other appropriate writ/rule constituting an Ad-hoc Committee for smooth running of Bihar Cricket Association, as also proper selection of the selectors/ support staff/ players constituting the teams of different age group representing Bihar in Domestic Tournament conducted by the BCCI which is not being done by the persons illegally occupying the chair of Committee of Management and who are bent upon to spoil the cricket by nominating/selecting unbecoming players by frustrating the claim of meritorious cricket players in getting the performance of the cricketers of Bihar to be worsen by even not winning any Domestic Tournament or to take the team even upto the knock out stage.



ii. For constitution of Cricket Advisory Committee for proper selection of players in view of the recommendation of Justice R.M. Lodha Committee by a Judgment rendered by the Hon'ble Supreme Court dated 09.08.2018 passed in Civil Appeal No. 4235 of 2014 (Board of Control for Cricket in India and others Vs. Cricket Association of Bihar and others) in Paragraph No. 22 which was included in the Agenda of 1st AGM of Bihar Cricket Association held on 31.01.2020 but it is yet to be constituted and notified and accordingly, the selector/support staffs and the teams of the players are being selected by the so-called Committee of Management and the Cricket Advisory Committee has not been constituted as yet only for the illegal gains of the Honorary President and his other Associates for last 3 years in complete violation of the judgment rendered by the Hon'ble Supreme Court dated 09.08.2018 passed in Civil Appeal No. 4235/2014 reported in AIR 2018 SC 4179.



iii. For hearing all the pending cases before this Hon'ble Court against the Respondent Bihar Cricket Association where no positive orders could be passed by this Hon'ble Court since 2018 resultantly the Respondent Bihar Cricket Association has been enjoying the illegal benefits in selling the Cricket and the talent of the cricketers of Bihar and therefore all the cases are required to be heard at once by constituting Special Bench for effective disposal of the cases stated herein below :-

- (a) CWJC No. 7197/2019 (Sitamarhi District Cricket Association Vs. The Board of Control for Cricket in India and others.
- (b) CWJC No. 8035/2019 (Ravi Raj Vs. The Board of Control for Cricket in India and others).
- (c) CWJC No. 8496/2019 (Begusarai District Cricket Association through its Secretary, Sri Randhir Kumar Vs. the Board of Control for Cricket in India and others.
- (d) CWJC No. 7791/2020 (Sanjay Kumar Vs. Bihar Cricket Association and others)
- (e) CWJC No. 4868/2020 (District Cricket Association Vs. Bihar Cricket Association and others)
- (f) CWJC No. 9541/2020 (Pravin Kumar Vs. Bihar Cricket Association and others).



iv. For declaring the Committee of Management constituted in the month of September, 2019 to be illegally constituted and in violation to the judgment rendered by the Hon'ble Supreme Court reported in 2016(8) SCC 535 in the case of Board of Control for Cricket Vs. Cricket Association of Bihar and others in paragraph 9 to 9.7 as also the judgment dated 09.08.2018 reported in AIR 2018 SC 4179 passed in Civil Appeal No. 4235 of 2014 (Board of Control for Cricket in India and others Vs. Cricket Association of Bihar and others), Para-22, 32, 33, 34, 35 & 36 onwards through which the tenure of office bearer has been fixed and all the State Association were directed to draft their constitution in accordance with and in the line of the Constitution of BCCI by getting it registered with the State Society Registration Department within one month from the date of pronouncement of the judgment i.e. 09.08.2018 in the following words :-



1. "The Registrar of the Societies under the Tamilnadu Societies Registration Act, 1975 shall upon the presentation of the said Constitution by the CEO, register the documents forthwith and report compliance by way of a report to the Secretary General of this Court within four weeks; 2. Upon the Registration of the said Constitution of BCCI, each of the members shall undertake registration of their respective Constitutions on similar lines within a period of 30 days thereafter. A compliance certificate must be furnished to the COA, which shall file a status report before this Court with reference to the compliance undertaken by the State Associations; and 3. In the event that any State Association does not undertake compliance with the above said directions, the directions contained in the orders of this Court dated 07.10.2016 and 21.10.2016 shall revive.



41. The Committee of Administrators is at liberty to submit a further report for such future directions as may be warranted and to secure compliance.

The Bihar Cricket Association has not yet complied even a single direction issued by the Hon'ble Supreme Court as noted above, and therefore, this Hon'ble Court may be pleased to hold that there is no legally Constituted Committee in Bihar in compliance to the direction issued by the Hon'ble Supreme Court dated 09.08.2018 reported in AIR 2018 SC 4179."

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition instituted in its form, reserving liberty to file a proper petition afresh, with better particulars, on the same and subsequent cause of action.

Permission granted with liberty as prayed for.



Liberty also reserved to the petitioner to make a mention for listing of the petition on priority basis. As and when any such mention is made, Registry shall immediately take steps for listing the petition at the earliest, before the appropriate Court.

Instant petition stands disposed of as withdrawn in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	29.01.2022
Transmission Date	

