

25 14.11.2022

gd/ssd

WPA(P)/545/2022
RAMA PRASAD SARKAR
VS
UNION OF INDIA AND ANR

Mr. Rama Prasad Sarkar
..Petitioner (In person).

Mr. Ashok Kr. Chakraborty, learned ASG,
Mr. Atarup Banerjee,
Ms. Sabita Roy
..for the Respondent No.1.

Mr. Samrat Sen,
Mr. Paritosh Sinha,
Mr. Amitava Mitra,
Ms. Antara Mukherjee
..for the Intervenor/Mr.
Sourav Ganguly.

Learned counsel appearing for Sri Sourav Ganguly is permitted to file his Vakalatnama.

This public interest petition has been filed with the plea that Sri Sourav Ganguly was unanimously elected as President of the respondent no.2 i.e. Board of Control for Cricket in India in October, 2019. It has been alleged in paragraph 13 of the petition that in October, 2022 the respondent no.2 i.e. BCCI has sacked Sri Sourav Ganguly from the post of President without citing any reason.

Submission of the petitioner appearing in person is that by the judgment dated 14th September, 2022 passed in IA No.49930 of 2022 in Civil Appeal No.4235 of 2014 in the matter of *The Board of Control for Cricket*

in India v. Cricket Association of Bihar & Others Hon'ble Supreme Court had permitted the amendment in the Constitution of the Board permitting cooling off period after two tenures, therefore, Sri Sourav Ganguly should not have been sacked in October, 2022.

Though Sri Sourav Ganguly is not a party in this public interest petition, but he has appeared through the Advocate, Mr. Samrat Sen, who, on instructions, has stated before the Court that Sri Sourav Ganguly had completed his full tenure of three years by rendering useful contribution and thereafter had gracefully demitted the post and had chosen not to contest the election for the post of President for second term, therefore, he had not filled up the nomination form for the same. He has further submitted that Sri Sourav Ganguly has full regard for the new incumbent, Mr. Roger Binny and he fully supports him. He submits that this petition has been filed without the knowledge of Sri Sourav Ganguly.

Having examined the record, we find that the petitioner in this public interest petition has come up with the frivolous plea that Sri Sourav Ganguly has been sacked by the respondent no.2. The stand of advocate for Sri Sourav Ganguly recorded above makes it clear that after completing his due tenure he has respectfully demitted the office. The allegations have

been made in the petition without filing any supporting material. We find that in the circumstances of the case, it is a complete abuse of process of the Court to file such a public interest petition without ascertaining the true factual position. The judgment, which is relied upon by the petitioner, is not relevant in respect of the allegation made in the petition and the issue which has been raised. The petition is in fact a publicity interest petition. Hence, we find no good ground to entertain this petition.

The petition is accordingly dismissed.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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