

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13483 of 2022

Subir Chandra Mishra Son of Sri. Ram Chandra Mishra, Residence of Ward No. - 19, Anand Kutir, Vina Kunj, Near Post Office, Town Club Road, P.S. Madhubani, District - Madhubani.

... .. Petitioner/s

Versus

1. The Bihar Cricket Association having its registered office at 1st and 2nd Floor, Shailraj Complex, Buddh Marg, P.S. - Kotwali, District - Patna through its President.
2. The President, Bihar Cricket Association having its registered office at 1st and 2nd Floor, Shailraj Complex, Buddh Marg, P.S. - Kotwali, District - Patna.
3. The Chief Executive Officer Bihar Cricket Association having its registered office at 1st and 2nd Floor, Shailraj Complex, Buddh Marg, P.S.- Kotwali, District - Patna.
4. The Treasurer, Bihar Cricket Association having its registered office at 1st and 2nd Floor, Shailraj Complex, Buddh Marg, P.S.- Kotwali, District - Patna.
5. Sri Rakesh Kumar Tiwary Son of Sri Suresh Tiwary resident of 46, Patliputra Colony, P.S. - Patliputra, District - Patna.
6. Raghwendra Kumar Singh, Son of Not Known residence of Flat No. - 304, Meridian Asus Apartment, Karbigahiya, P.S. - Jakanpur, District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishor Singh
For the Respondent/s : Mr.Raju Giri

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-05-2023 The present writ petition has been filed seeking the following reliefs:-

“1(a). For Quashing of the Order dated 18.7.2022 passed in Ombudsman Case No-5 of 2022 (Annexure-20) whereby and whereunder the Ld. Ombudsman Bihar Cricket Association has dismissed the case of the Petitioner on the ground that the same is



not maintainable.

(b) For issuance of an appropriate writ(s), Order(s) or Direction(s) to consider the case of the Petitioner and a committee under the Chairmanship of Retired Hon'ble High Court Judge may be constituted to conduct Election of Bihar Cricket Association in a free and fair manner under the given facts and circumstances of the case.

(c) For issuance of an appropriate writ(s). Order(s) or Direction(s) to restrain the functioning of Sri. Rakesh Kumar Tiwary as the President of Bihar Cricket Association from participating in BCCI meetings as per 9 to 9 advisory of COA (Annexure-) as in BCA the General body is defunct and as he playing all malpractices in the Bihar Cricket Association for which a Judicial Enquiry may also be held.

(d) For issuance of an appropriate writ(s), Order(s) or Direction(s) to the BCCI to conduct all the cricketing activities in the State of Bihar under its supervision and direct control.

(e) For quashing of the Order dated 13.4.2022 passed in Ombudsman Case No-12 of 2021 (Annexure-12) whereby and whereunder the Ld. Ombudsman has specifically directed the BCA to form a committee including retired Judicial Officer



(nominated in consultation with Ombudsman) as its members and the said committee shall function under the supervision of such Judicial Officer who would be included in the committee to verify the voter list of each of such district units and after its verification to form an adhoc committee for each of such district units form the office bearers of the clubs affiliated to each of such district units which would be found genuine and eligible on such verification and then to hold election under observance of the person appointed by BCA amongst whom one must be retired Judicial Officer/retired Bihar Administrative Officer, within three months, in complete violation of the Constitution of Bihar Cricket Association and moreover he does not have the powers under the Constitution of BCA to pass such orders.

(f) During the Pendency of the instant Writ Petition, Sri. Rakesh Kumar Tiwary, the President of Bihar Cricket Association may be restrained to function in the said capacity under the given facts and circumstances of the instant case.”

After some arguments, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other



alternative remedies as are otherwise available under the law.
Liberty, so sought, is granted.

The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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