

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12385 of 2024

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Youth Cricket Club Subhash Chowk, Hajipur, P.O. Hajipur, P.S. Hajipur Town, District-Vaishali at Hajipur through its Secretary Ajit Kumar (Male), aged about 38 years, son of Dilip Sah, resident of Harpur Mukund, P.O. Jafarpatti, P.S. Rajapakar, District-Vaishali at Hajipur. Petitioner/s

Versus

1. The Bihar Cricket Association 45C Patliputra Colony Road, Patna, P.O. and P.S. Patliputra, District-Patna through its President.
2. The Secretary, The Bihar Cricket Association, 45C Patliputra Colony Road, Patna, P.O. and P.S. Patliputra, District-Patna
3. Sri Jiyaul Aarfin son of not known to the petitioner, Presently Honorary Secretary, The Bihar Cricket Association, 45C Patliputra Colony Road, Patna, P.O. and P.S. Patliputra, District-Patna.
4. The Ombudsman, The Bihar Cricket Association Ashiana Nagar, P.O. Rukunpura, P.S. Rajiv Nagar, District-Patna.
5. The Vaishali District Cricket Association, Suryadeo Nagar, Bagmali, Hajipur, P.O. Hajipur, P.S. Hajipur Town, District-Vaishali at Hajipur through its President Vijay Kumar (male), son of Late Suryadeo Prasad singh, resident of Mohalla-Suryadeo Nagar, Bagmali, Hajipur, P.O. Hajipur, P.S. Hajipur Town, District-Vaishali at Hajipur.
6. Prakash Kumar Singh, son of Late Vinay Kumar Singh, the Secretary, Vaishali District Cricket Association, Suryadeo Nagar, Bagmali, Hajipur, P.O. Hajipur, P.S. Hajipur Town, District-Vaishali at Hajipur, resident of Mohalla Bagmali, Near Suryadeo Memorial School, Ward No. 11, P.O. Hajipur, P.S. Hajipur Town, District-Vaishali at Hajipur.
7. Kundan Kumar son of not known to the petitioner, the Vice Chairman, Vaishali District Cricket Association, Suryadeo Nagar, Bagmali, Hajipur, P.O. Hajipur, P.S. Hajipur Town, District-Vaishali at Hajipur
8. Pankaj Kumar Mishra, son of not known to the petitioner, Treasurer, Vaishali District Cricket Association, Suryadeo Nagar, Bagmali, Hajipur, P.O. Hajipur, P.S. Hajipur Town, District-Vaishali at Hajipur
9. Pushkar Singh son of not known to the petitioner, Joint Secretary, Vaishali District Cricket Association, Suryadeo Nagar, Bagmali, Hajipur, P.O. Hajipur, P.S. Hajipur Town, District-Vaishali at Hajipur, resident of Village and P.O. Dighi, P.S. Hajipur Sadar, District-Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.B.K. Mangalam, Mr. Awnish Kumar, Advocates.
For the Respondent/s	:	Mr.Raju Giri, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 27-08-2024

Heard Mr. S.B.K Mangalam, learned counsel for the



petitioner and Mr. Raju Giri, learned counsel representing the Bihar Cricket Association.

2. This writ application has been preferred for the following relief(s):-

“(I) For issuance of an appropriate writ in the nature of MANDAMUS , commanding and directing the Respondent Bihar Cricket Association to constitute an Ad-hoc Committee of the District Cricket Association Vaishali for assign the three men Committee for finalizing the voter list of District Cricket Association, Vaishali in holding the election of the office bearers of said Association and to conclude the election of office bearers as per the direction of the no.4 vide order dated 11.05.2024 in BCA/Ombudsman / 04/2023.

(II) For a declaration that if under his order dated 11.05.2024, the Respondent no.4 had not approved the proposal of Bihar Cricket Association that the present Committee of District Cricket Association, Vaishali shall continue as the Ad-hoc Committee of said Association which shall also assist the three men Committee for holding general election of its Office bearers within 45 days, the continuation of illegally constituted Managing Committee of District Cricket Association, Vaishali as the Ad-hoc Committee to conduct general election is thoroughly illegal arbitrary and malafide.

(III) For issuance any other appropriate writ/writs order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.



3. Mr. Raju Giri, learned counsel appearing for the Bihar Cricket Association submits that the Division Bench of this Court in the case of **Kumar Arvind v. The Bihar Cricket Association & Ors (CWJC No. 2839 of 2022)** on 29.04.2022 held that these disputes cannot be entertained under Article 226 of the Constitution of India.

4. The said order dated 29.04.2022 in paragraphs 17, 18, 22 and 24, in the case of **Kumar Arvind (supra)** read as follows:-

“17. The allegation against the petitioner is of misconduct in the nature of manhandling the Chief Executive Officer of the BCA. The allegations and the counter allegations, which have been made in the pleadings on record, clearly demonstrate that the petitioner is attempting to rake up dispute touching internal functioning of the BCA before this Court in a proceeding under Article 226 of the Constitution of India. There cannot be any gainsaying that the aforesaid memorandum of association, rules and regulations of the BCA have no statutory character.

18. Following the reasoning given in the law laid down by the Supreme Court in case of Zee Telefilms Ltd. (supra) and BCCI vs. CAB (I) (supra), it can be easily inferred that the BCA also is not a 'State' within the meaning of Article 12 of the Constitution of India though it may be amenable to writ jurisdiction. In case of Zee Telefilms Ltd. (supra), the Supreme Court has laid down in paragraph 31 that though the remedy under Article 32 is not available against the BCCI, an aggrieved party can always seek a remedy under the ordinary course of law or a writ petition under Article 226 of the



Constitution.

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22. In our opinion, in the present facts and circumstances of the case, considering the nature of controversy, which is primarily an outcome of internal dispute among the office bearers of the BCA, lying within the realm of private law, we decline to entertain this writ petition under Article 226 of the Constitution.

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24. It is significant, however, to note that the Supreme Court's decision in case of Board of Control for Cricket in India v. Netaji Cricket had arisen out of a civil suit. In our opinion, the Ombudsman under the memorandum of association, rules and regulations cannot be said to be a quasi judicial forum created by any statutory authority. Such controversies, as are being raised in the present writ application, in our opinion, should normally not be entertained in a proceeding under Article 226 of the Constitution of India.

5. Mr. Mangalam has gone through the order provided by Mr. Giri and submits that he will be availing the alternate remedy available under the law.

6. Granting said liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

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