

Item No.7
27.06.2024
Court. No. 9
GB

W.P.A. 16218 of 2024

Anirban Ghose Dastider
Vs.
Union of India & Ors.

*Mr. Jayanta Narayan Chatterjee,
Mr. Sirshendu Sinha Roy,
Mr. Debashis Banerjee,
Ms. Moumita Pandit,
Mr. Supreem Naskar,
Ms. Jayashree Patra,
Ms. Ritushree Banerjee,
Mr. Bhaskar Mondal*

...for the Petitioner.

*Mr. Rajdeep Mazumder,
Mr. Moyukh Mukherjee*

...for the UOI.

*Mr. Saptangshu Basu,
Mr. Prantik Garai,
Ms. R. Roy Choudhuri*

...for the BSTTA.

1. The writ petition has been filed challenging the process of election initiated by the Bengal State Table Tennis Association. It is contended that the notice is illegal. Clause 15(e) of the memorandum of association has not been followed. Such non-compliance is contrary to the direction of a coordinate Bench dated May 22, 2024.
2. Mr. Chatterjee, learned advocate appearing on behalf of the petitioner submits that the petitioner has a voting right and the memorandum of association required that the audited accounts and the reports of the association should have been served upon the voters along with the notice.

3. Mr. Basu, learned senior advocate appears on behalf of the association and submits that the notice has been issued for election of the office bearers of the Bengal State Table Tennis Association. According to Mr. Basu, the petitioner does not have any locus. The petitioner is not one of the nominees of the 28 district associations. It is submitted that an individual cannot be a member of the Bengal State Table Tennis Association. There are 28 table tennis districts associations affiliated to Bengal State Table Tennis Association as ordinary members and their voting right would be subject to them meeting and fulfilling certain criteria. The district associations send up their candidates and the election of the board takes place from amongst those members who have been sent up by the districts.
4. It is further submitted that when the association was incorporated, Burdwan was a single district and the petitioner was nominated as Assistant Secretary. After bifurcation of the district of Burdwan, the petitioner's nomination ceased and each of the districts had formed their own units.
5. The election is now being conducted by two learned advocates as Joint Returning Officers. Both the learned advocates are present before this Court. It has been specifically submitted that the bye laws with regard to the elections are being followed and so far, there has been no discrepancy. It is also submitted that the

petitioner was neither nominated nor sponsored by any of the district associations. As the petitioner has neither been sponsored nor nominated by any district association, the petitioner does not have any right to participate in the process and stall the same. Had the petitioner been sponsored by any of the district associations, he would have a right to file his nomination and also vote.

6. The election process is on the way and sufficient advancement has been made. The results are to be published on 29th of this month. The petitioner has not been able to show his locus either to contest the election or to interfere in the process. The petitioner has not been sent up by any of the 28 district associations. The questions which the petitioner has raised with regard to disregard to the sport's code, non-compliance of the memorandum of association and incorporation of an alleged non-existing 9.4 Clause of the Regulations, are matters which the petitioner is entitled to agitate before the returning officers who are conducting election. The said questions which have been raised by the petitioner, shall be answered if the petitioner approaches the returning officers with his written complaint. The election process has commenced on the direction of the a coordinate Bench and the same must be reached to its logical conclusion.
7. Accordingly, the writ petition is disposed of.

8. However, there will be no order as to costs.
9. All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)