



IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE GAJENDRA SINGH

ON THE 28th OF JANUARY, 2025

WRIT APPEAL No. 2102 of 2024

MADHYA PRADESH CRICKET ASSOCIATION

Versus

MAYANK AWASTHI

WITH

WRIT APPEAL No. 2911 of 2024

TATE OF MADHYA PRADESH CRICKET ASSOCIATION

Versus

RAJVEER VAIDH

WRIT APPEAL No. 2912 of 2024

MADHYA PRADESH CRICKET ASSOCIATION

Versus

AAYUSH YADAV

WRIT APPEAL No. 2913 of 2024

MADHYA PRADESH CRICKET ASSOCIATION

Versus

*VAIBHAV BATHAM THORUGH HIS FATEHR MANOJ BATHAM AND
OTHERS*

WRIT APPEAL No. 2914 of 2024

MADHYA PRADESH CRICKET ASSOCIATION

Versus

LOHITAKSH NEMA

WRIT APPEAL No. 2915 of 2024



MADHYA PRADESH CRICKET ASSOCIATION

Versus

SANSKAR SINGH

WRIT APPEAL No. 2916 of 2024

MADHYA PRADESH CRICKET ASSOCIATION

Versus

MARTAND PRATAP SINGH

WRIT APPEAL No. 2917 of 2024

MADHYA PRADESH CRICKET ASSOCIATION

Versus

*OJAS SHUKLA S/O SHRI ASHOK SHUKLA MINOR THOROUGH
NATURAL GUARDIAN FATHER SHRI ASHOK SHUKLA*

WRIT APPEAL No. 2918 of 2024

MADHYA PRADESH CRICKET ASSOCIATION

Versus

RANVEER VAIDH

WRIT APPEAL No. 2919 of 2024

MADHYA PRADESH CRICKET ASSOCIATION

Versus

*PAVITR PATIL S/O SHRI JAGDISH PATIL MINOR THROUGH NATURAL
GUARDIAN FATHER JAGDISH PATIL*

Appearance:

Shri Ajay Bagadia, learned Senior Advocate Assisted by Shri Ayush Kumar Choudhary, learned counsel for the appellants in all the writ appeals.

Shri Shrey Raj Saxena, learned counsel for the respondents in all the appeals.

O R D E R

Per : Justice Vivek Rusia

These bunch of writ appeals are filed by the Madhya Pradesh



Cricket Association being aggrieved by the common order dated 12.08.2024, passed by the Writ Court, whereby 10 writ petitions filed by young cricketers challenging the ban imposed upon them by the appellant on the ground that they have tried to get themselves registered on the basis of incorrect / false birth certificate to play in the age group of 19 has been allowed.

Facts are being taken from W.A. No.2102 of 2024 arising from the order passed in W.P. No.7536 of 2023.

02. The respondent / writ petitioner obtained a Birth Certificate bearing No.0316116008562 and registration No.2832017 issued by the competent authority under the Registration of Births and Deaths Act, 1969 (in short 'the Act of 1969') and the rules framed thereunder i.e. M.P. Birth and Death Rules, 1999 (in short 'the Rules of 1999'). The birth certificate was issued by the Registrar of Birth Centre, Bhopal i.e. Municipal Corporation Bhopal dated 28.03.2017. In the said certificate, the date of birth of the writ petitioner is written as 11.10.2004. On the basis of the said birth certificate, the petitioner participated in the Under – 15 tournament conducted by the appellant / Association.

03. Meanwhile, with effect from the Cricket Season of 2019, the Board of Control for Cricket of India (BCCI) made it mandatory for all the players to provide a digital version of their Birth Certificate for registration of Cricket Season – 2021 – 22. For participation in the Under – 19 Tournament, the writ petitioner submitted a registration form on 16.05.2022 along with a digital birth certificate dated 03.10.2019 issued by the Registrar, Birth & Death, Municipal Corporation, Bhopal dated 03.10.2019. The appellant / Association



found that in both the certificates, the registration number and date of registration are different, therefore, the birth certificate dated 28.03.2017 was sent to the Municipal Corporation, Bhopal for verification. In response to the aforesaid letter, the Municipal Corporation sent a reply that no record is available pertaining to the birth certificate dated 28.03.2017. On the basis of the aforesaid letter, vide communication dated 27.07.2022, two years' ban has been imposed upon the writ petitioner on the ground that he tried to get himself registered on the basis of an incorrect birth certificate / mark-sheet.

04. Being aggrieved by the aforesaid order, the writ petitioner has filed a writ petition before the Writ Court.

05. After notice in the writ petition, the Association filed a reply by submitting that since the writ petitioner submitted two birth certificates having different registration numbers and registration dates, therefore, the petitioner was not permitted to participate in the Under – 19 Category by imposing two years' suspension. It was further submitted that BCCI on 03.08.2020 declared **One Time Voluntary Disclosure Scheme**. The petitioner did not avail the benefit of said Scheme to get his birth certificate corrected. It was further submitted that in Season 2020 onward, any player submitting a fake and tampered birth certificate will be banned for two years for all the cricket matches under the ages of BCCI and State Units. After completion of two years' suspension, such players will not be allowed to participate in any Age Group Tournament of BCCI as well as the Age Group Tournament organized by the State of Unit.

06. The Municipal Corporation, Bhopal also filed a reply only in



this writ petition by submitting that the digital certificate produced by the writ petitioner dated 03.10.2019 bearing registration No.B-2019:23-90235-005815 is issued by the competent authority and the same is reflected in the records, but the certificate dated 28.03.2017 registration No.0316116008562 is not found in the record of the answering respondent.

07. By way of interim relief, vide order dated 11.07.2023, the writ petitioner was permitted to participate in the Tournament of Under-19 Category, if he is qualified otherwise. Thereafter, vide order dated 12.08.2024, the Writ Court has allowed the writ petition and quashed the impugned ban on the ground that the registration of the petitioner for 2021 – 22 is not forged/fabricated and has instead been found genuine by respondent No.1 i.e. present appellant. It has also been held that as per sub-clause 2 of Clause 18 as above, from Season – 2020 – 21 onwards any player submitting a fake / tampered birth certificate will be banned for a period of two years, therefore, action has wrongly been taken against the writ petitioner for registration for the Season – 2017 – 18. Being aggrieved by the order dated 12.08.2024, the Madhya Pradesh Cricket Association has filed this writ appeal.

08. We have heard Shri Ajay Bagadia, learned Senior Counsel for the appellant and Shri Shrey Raj Saxena, learned counsel for the respondent/writ petitioner.

09. It is not in dispute that in both the birth certificates, the date of birth of the writ petitioner is written as 11.10.2004. the appellant has also no issue about the date of birth of the writ petitioner. Apart from the birth certificate, the writ petitioner has also submitted the



certificate of Vindhyachal Academy, scholar register, transfer certificate, mark-sheet issued by the Board of Secondary Education, Madhya Pradesh, Bhopal, in which the same date of birth i.e. 11.10.2004 is mentioned. Even the appellant is not disputing the date of birth of the writ petitioner which is relevant for deciding his age for playing the particular category. The impugned action has been taken against the writ petitioner only because the record of the birth certificate dated 28.03.2017 has not been found in the office of the Municipal Corporation. The said certificate is signed by the Health Officer, Municipal Corporation, Bhopal. The Municipal Corporation, Bhopal in its return has not categorically stated that the birth certificate dated 28.03.2017 is a forged certificate, but only stated that the record is not available for which there could be various reasons like the record has been misplaced, or destroyed, or stolen etc.

10. Section 16 of the Act of 1969 mandates '**the preparation of a Register to register the birth and death in the prescribed form**'. It is mandatory for every registrar to keep in the prescribed form a register of births and deaths for the registration area or any part thereof in relation to which he exercises jurisdiction. Section 15 provides for '**Correction or cancellation of entry in the register of births and deaths**', according to which if it is proved to the satisfaction of the Registrar that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to the rules made by the State Government, may correct or cancel the entry.

11. The State of Madhya Pradesh framed a rule called Madhya Pradesh Registration of Births & Deaths Rules. Rule 11 provides for



'Correction or cancellation of entry in the register of births and deaths'.

12. Therefore, in this case, the Registrar has not made any correction in the register by exercising the power under Section 15 of the Act of 1969 r/w Rule 11 of the Rules of 1999 in any of the birth certificates. The Municipal Corporation has filed very vague reply. If there was a mistake in the birth certificate dated 28.03.2017, the same could have been corrected after conducting an enquiry. In the present case, as held by the Writ Court and also admitted by the appellant / Association there is no dispute about the date of birth of the writ petitioner, therefore, there cannot be a dispute about the age.

13. Shri Ajay Bagadia, learned Senior Counsel submits that it is a case where the writ petitioner first got prepared a manual birth certificate of date of birth 11.04.2004 and when the BCCI insisted for submission of digital certificate, the writ petitioner used the forged certificate in getting the digital certificate hence both the certificates cannot be treated as genuine but this fact has not been confirmed by Municipal Corporation, Bhopal that the digital certificate dated 3.10.2019 was prepared on the basis of the entry made in the manual certificate dated 28.03.2017. Therefore, in the absence of such a reply, it cannot be presumed that the digital certificate dated 3.10.2019 was issued by taking the date of birth from the forged certificate.

14. Even otherwise, vide communication dated 28.02.2020, the BCCI directed all affiliated units to obtain the online registration of fresh and registered players for the 2020 – 21 Season. Clause 13 says the authenticity of birth certificates in India is very difficult because they are handwritten. To counter this problem, from Season – 2019 –



20, BCCI has started accepting only computer-generated birth certificates of all the fresh Cricketers who want to register with the BCCI. Therefore, this clause has been made applicable prospectively from the Season – 2020 – 21 and for registration of the writ petitioner for Season – 2021 is based on the digital birth certificate dated 03.10.2019 which is not in controversy. Therefore, the appellant / Association has wrongly taken punitive action against the writ petitioner for the Sessions – 2017 – 18 on the basis of the birth certificate dated 28.03.2017.

15. Had this been a case of two different date of birth written in two different certificates prepared manually or digitally, then the BCCI would have been justified in taking action against the writ petitioner that he tried to manipulate the date of birth in order to play with the player of lower age group. In absence of such an event, we are not inclined to interfere with the impugned order passed by the Writ Court, especially when the period of ban has almost come to an end. The writ petitioner must have crossed the age of 19 years. However, looking to the peculiar facts and circumstances of this case we hereby observe that this order be not treated as a precedent in future.

16. In view of the above, all the Writ Appeal stand dismissed.

Let a signed copy of this order be kept in the connected writ appeals and all shall be treated as dismissed.

(VIVEK RUSIA)
J U D G E

(GAJENDRA SINGH)
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