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### CORRIGENDUM

The Date of the SPECIAL GENERAL MEETING scheduled to be held on 19<sup>th</sup> October 2024 at Hotel Golden Sunrise is rescheduled on 20<sup>th</sup> October 2024 at the same venue due to unavoidable circumstances.

Other information of the relevant Notice shall remain same.

However, Inconvenience if any, is regretted.

(Ziaul Arefin)  
Hony. Secretary  
Bihar Cricket Association



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Minutes of the SPECIAL GENMERAL MEETING

## MOM of SPECIAL GENERAL MEETING

Date: 20.10.2024 (Corrigendum)

Place: Hotel Golden SunRise, Patliputra Colony, Patna

Time: 14:00 PM onwards

Attendance: As per Register.

सदन में उपस्थित सदस्यों के कोरम/उपस्थिति से आश्वस्त होने के बाद अध्यक्ष श्री राकेश कुमार तिवारी ने ने विशेष आम सभा के बैठक के सभापति का आसन ग्रहण करते हुए सदन की कारवाई को प्रारंभ करने का आदेश दिया

### Agenda-1 –

To discuss the matter arising out of CWJC 13405 of 2021, LPA 840 of 2024 & LPA 906 of 2024 and its implementation

दिनांक 5 अगस्त, 2024 को माननीय पटना उच्च न्यायालय के सिंगल बेंच जज द्वारा दिए गए निर्णय को पढ़ कर सदन में उपस्थित सदस्यों को सुनाया गया एवं इस सन्दर्भ में बीसीए के द्वारा दाखिल LPA 906 ऑफ़ 2024 में माननीय पटना उच्च न्यायालय के मुख्य न्यायाधीश की अध्यक्षता वाली खंडपीठ द्वारा 7 अक्टूबर, 2024 को पारित निर्णय को भी पढ़ कर सुनाया गया।

प्रभावित जिला क्रिकेट एसोसिएशन द्वारा दिनांक 5 अगस्त, 2024 को माननीय पटना उच्च न्यायालय के सिंगल बेंच जज द्वारा दिए गए निर्णय से उत्पन्न घटनाक्रम से भी सदन को अवगत कराया गया।

आसन के आदेश से श्री पवन कुमार सिंह (दरभंगा) ने अपने ईमेल के जरिये दी गयी सूचना से सदन को पुनः अवगत कराते हुए कहा कि दिनांक 5 अगस्त, 2024 को माननीय पटना उच्च न्यायालय के सिंगल बेंच जज द्वारा दिए गए निर्णय के आलोक में नियुक्त लोकपाल ने भी BCA/OMB/04 ऑफ़ 2024 में एक प्रवीन कुमार

नामक व्यक्ति, जिसने अपने को दरभंगा जिला क्रिकेट एसोसिएशन के सचिव लिखते हुए अमित कुमार के द्वारा निर्गत बीसीए के आम सभा आहूत करने के सम्बन्ध में नोटिस को चुनौती दिया एवं माननीय लोकपाल श्री शैलेश कुमार सिन्हा ने प्रार्थी के रूप प्रवीन कुमार के स्टेटस को बिना जांचे-परखे, वैध-अवैध वेबसाइट को भी बिना देखे – समझे एकतरफा ढंग से स्वीकृत किया और निहायत जल्दबाजी में एक अस्पष्ट निर्णय पारित कर दिया जिससे मेरे पवन कुमार सिंह का दरभंगा जिला क्रिकेट एसोसिएशन के सचिव होने के अधिकार का स्पष्ट अतिक्रमण होता है। मैं यह भी बताना चाहता

*Rakesh Kumar Singh*

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हूँ कि शिकायतकर्ता, प्रतिवादी एवं माननीय लोकपाल (श्री शैलेश कुमार सिन्हा) के कार्यालय ने एकजुट हो कर इस सम्बन्ध में एक प्रॉक्सी मामले में संज्ञान लेते हुए आदेश पारित किया है जिससे मेरे अधिकारों का अतिक्रमण एवं दरभंगा जिला क्रिकेट एसोसिएशन के अस्तित्व पर प्रश्नचिह्न लगाने का प्रयास हुआ। श्री सिंह ने यह भी बताया कि लोकपाल के इस आदेश की आड़ में अमित कुमार ने कुछ अयोग्य व्यक्तियों का मजमा इकठ्ठा कर एक तथाकथित आम सभा के आयोजन एवं बिना किसी प्रक्रिया के कुछ लोगों को चयनकर्ता के रूप में प्रकाशित कर दिया जिससे बिहार क्रिकेट में अनायास भ्रम की स्थिति पैदा हो गयी।

मेरा अनुरोध है कि न्याय के सिद्धांतों के विपरीत दिए गए इस आदेश को तत्काल रद्द करते हुए उचित निर्णय लिया जाए जिससे जिला संघों की वास्तविक पहचान एवं इसके पदाधिकारियों के अस्तित्व पर भविष्य में कुठाराघात ना हो।

सारण जिला क्रिकेट एसोसिएशन की अध्यक्ष श्रीमती इंदु सिंह ने भी अपने ईमेल के द्वारा प्रेषित सूचना के सम्बन्ध में बताया कि दिनांक 5 अगस्त, 2024 को माननीय पटना उच्च न्यायालय के सिंगल बेंच जज द्वारा दिए गए निर्णय के आलोक में नियुक्त लोकपाल श्री शैलेश कुमार सिन्हा ने आदित्य प्रकाश वर्मा के द्वारा दर्ज शिकायत BCA/OMB/01 ऑफ़ 2024 में संज्ञान लिया जो बीसीए के रूल्स एंड रेगुलेशन धारा 45 का घोर अनदेखी है। श्रीमती इंदु सिंह ने सदन को यह भी बताया कि वादी आदित्य प्रकाश वर्मा CWJC13405/21 में अपने को CAB (एक गैर निर्बंधित राज्य क्रिकेट संघ का सचिव) एवं अन्य जगहों / फोरम पर अलग-अलग पहचान देते रहते हैं, के शिकायत पर संज्ञान लेना एवं उसी व्यक्ति द्वारा अमित कुमार द्वारा बुलाये गए एक असंवैधानिक सभा के आयोजन में सारन जिला क्रिकेट संघ की सहभागिता के बारे में बोलना, एक सोची-समझी साजिश का हिस्सा प्रतीत होता है। मैं अनुरोध करती हूँ कि इस गंभीर मामले पर विचार करते हुए सदन उपयुक्त निर्णय ले।

खगड़िया जिला क्रिकेट एसोसिएशन ने भी अध्यक्ष श्री बाबूलाल शौर्य के माध्यम से अपने ईमेल में प्रेषित गंभीर विषय को सदन के सदस्यों के समक्ष विचारार्थ रखा। श्री शौर्य ने बताया कि एक असंवैधानिक, अवैध एवं जाली वेबसाइट से जनित ईमेल का उपयोग करना, बिना बीसीए के पदाधिकारियों / अधिकारियों को सूचित किये ही लोकपाल का कार्यालय खोलना, शिकायतकर्ता अथवा प्रतिवादी की पहचान को सत्यापित किये बिना मामले का संज्ञान लेना तथा आदेश पारित कर देना न्याय संगत नहीं है एवं बीसीए से अलग अवैध व्यक्तियों के सहयोग से लोकपाल का कार्यालय खोलना एवं लोकपाल के कार्यालय में बिना किसी आय-व्यय के स्रोत की जानकारी लिए बिना व्यय करना, खरीददारी करना, की गहन जांच कर उचित निर्णय लिए जाने की बात कही।

आसन के निर्देश पर LPA 840/2024 एवं LPA 906/2024 में माननीय पटना उच्च न्यायालय के मुख्य न्यायाधीश की अध्यक्षता वाली खंडपीठ द्वारा 7 अक्टूबर, 2024 को पारित निर्णय को पढ़ कर पुनः सुनाया गया।

CORAM: HONOURABLE THE CHIEF JUSTICE and HONOURABLE MR. JUSTICE PARTHA SARTHY ORAL ORDER (Per: HONOURABLE THE CHIEF JUSTICE) The appellant in L.P.A. No. 840 of 2024 is aggrieved with the finding in the judgment that he has been removed from the post of Ombudsman. A preliminary objection was raised by the respondents that the affidavit was not signed by the appellant and it was affirmed by a person authorised so to do. An I.A. has been filed bringing on record an affidavit of the appellant; but we are not for the present satisfied that the appeal is properly instituted. 2.

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L.P.A. No. 906 of 2024 is filed by the Bihar Cricket Association (for brevity "BCA") who is also aggrieved with the judgment of the learned Single Judge; in which appeal we consider the prayer for interim relief.

3. The writ petition was filed by a person styling himself to be the Secretary of Cricket Association of Bihar (for brevity "CAB"). The prayer in the writ petition was to issue a mandamus to the Board of Control for Cricket in India (for brevity "BCCI") to de-recognise BCA, who is an affiliate member of BCCI, to conduct enquiry into the charges of corruption, maladministration and mismanagement of BCA and

to consider CAB for recognition and affiliation as an affiliate member. There was also an interim prayer for a direction to the BCCI to constitute an adhoc body or committee to take over the control and management of the game of cricket in the State of Bihar.

4. In the writ petition filed, alleging corruption on the BCA; which is admittedly the affiliate member of the BCCI, and consequential direction to affiliate the CAB, the internal issues within the BCA was adjudicated upon, which is impermissible is the contention of the appellant, BCA.

5. At the outset, we have to notice that, but for the assertion of the writ petitioner that he is the Secretary of CAB there is nothing produced to show the existence of such an association or that the writ petitioner is the duly elected Secretary of the said association, as per its bye-laws and regulations. 6. Further, it is to be noticed that the BCCI has filed counter affidavits in the above writ petition clearly indicating that BCA is the recognised affiliate of the BCCI and the allegations raised are unsubstantiated. Annexure-R3-E is produced with the main counter affidavit of the BCCI which reveals that the Committee of Administrators (for brevity "COA") had submitted a final status report as early as on 14.10.2019 before the Hon'ble Supreme Court recognizing BCA as the affiliate member of the BCCI for the State of Bihar; each State being represented only by one cricket association.

7. The BCCI has also pointed out that one another individual claiming himself to be the working President of CAB has filed a writ petition for the very same relief which was rejected by Annexure-R3-B judgment by the High Court of Bombay, which is now, the subject matter of Civil Appeal No. 7645 of 2011 (CAB vs. BCCI) pending before the Hon'ble Supreme Court. The petitioner has also approached the Supreme Court with an interlocutory application for the very same reliefs, which the learned Counsel for the writ petitioner submits has been withdrawn.

8. The Learned Single Judge, in the writ petition filed for disaffiliation of the BCA, has adjudicated inter se disputes of the BCA. We see from the records that two different persons have claimed themselves to be the Secretary of the BCA. One of them, who represents the appellant-BCA has filed the counter affidavit on behalf of the Respondent Nos. 6, 7 and 9 who are respectively the BCA, the Committee of Management of BCA and the Secretary, BCA. One another person has filed a counter affidavit on 01.02.2024 claiming to be the duly elected Secretary, who was removed by the President. The BCCI submits that with respect to the internal disputes between the BCA and Shri Amit Kumar, who claims to have been removed by the President, there is a suit pending as Title Suit No. 75 of 2023 before the learned Subordinate Judge's Court, Patna.

*Rakesh Kumar Singh*





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9. The Learned Single Judge noticing the rival contentions of the persons claiming to be Secretaries has attempted to resolve the inter se disputes of the BCA, merely based on allegations and not substantiated properly; that too in a proceeding under Article 226 of the Constitution of India. The learned Single Judge also issued direction to the President and expressed a hope that the President of the BCA will act in accordance with the rules and regulations of the BCA, without usurping the powers of the office bearers of the BCA, by removing them. These directions were issued without considering the counter affidavit of Respondent Nos. 6 to 9, that the deponent therein was duly elected to the post of Secretary. It was held that the President had unscrupulously removed the person and usurped to himself the powers to be exercised by the Secretary. Finding that there were two Ombudsmen appointed, who were alleged to be supporting the warring factions, the learned Single Judge appointed a retired Judge of this Court as Ombudsman and also granted an honorarium of Rs. 2.5 lakhs per month.

10. We are prima facie of the opinion that the inter se dispute of the members of the BCA was not a question to be agitated in the writ petition, filed by the so-called Secretary of another association, that too in his individual capacity. We have to observe that even the said association, CAB, has not been made a party to the writ petition; which association had already taken up the very same issue before the High Court of Bombay, which writ petition stood dismissed and is now pending before the Hon'ble Supreme Court in a Civil Appeal.

11. Under the guise of disaffiliation of BCA and affiliation to the CAB, the attempt of the petitioner was to interfere with the activities of the BCA, which is admittedly the affiliated association for the State of Bihar, under the BCCI. We also find that the earlier attempts to invoke the extraordinary power under Article 226 of the Constitution of India, to interfere in the internal disputes, were thwarted by a Division Bench in CWJC No. 2809 of 2022 (Kumar Arvind vs. The Bihar Cricket Association and Others) dated 29.04.2022 produced as Annexure-R3/A along with the counter affidavit of the BCCIL. While dismissing the writ petition, liberty was also reserved to proceed before the Civil Court of competent jurisdiction or any other appropriate forum, as may be permissible in law. A civil suit is said to be pending insofar as the ousted Secretary is concerned.

12. Insofar as the BCCI asserting that the BCA is its affiliate; conceded with the cricketing affairs of the State of Bihar, we are of the opinion that the impugned judgment has to be stayed; finding it be in excess of the jurisdiction under Article 226 of the Constitution of India and beyond the scope of the writ petition itself. The CAB's claim for affiliation having been already rejected, the writ petition was not maintainable. This is especially so since the BCCI's affiliation of the BCA, has the approval of the COA and there cannot be more than one cricket association in a State. The inter se disputes of the BCA cannot also be agitated in a writ petition; when there is a suit pending on this aspect and already a co-ordinate Bench has refused interference under Article 226 of the Constitution of India.

13. On a prima facie consideration, we stay the operation of the judgment, however, we make it clear that our orders will not affect the BCCI from looking into the affairs of the BCA and taking appropriate action, for carrying out selections and otherwise promoting the cricketing activities of the State of Bihar in accordance with its bye-laws and rules and regulations.

*Rakesh Kumar Singh*

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14. Considering the prayer of the parties we post the matter for hearing on 02.12.2024. (K. Vinod Chandran, CJ) (Partha Sarthy, J)

### Agenda-2

To discuss and decide about the status of Hon'ble Ombudsman and other matters arising out of it

विचारोपरांत सर्वसम्मति से बीसीए के लोकपाल पद पर नियुक्ति हेतु विचारित नाम को स्वीकृति दी गयी। नवनियुक्त लोकपाल के पदभार ग्रहण करने तक दिनांक 18 अगस्त, 2024 की आमसभा की बैठक में नियुक्त नैतिक (एथिक्स) पदाधिकारी श्री नवल किशोर सिंह (अवकाश प्राप्त जिला व सत्र न्यायाधीश) लोकपाल के अतिरिक्त प्रभार/दायित्व में कार्यरत रहेंगे।

Rakesh Kumar Singh