

**Before Ombudsman, Bihar Cricket Association  
Raghwendra Kumar Singh (Retd. District Judge)  
Incharge Ombudsman, Bihar Cricket Association  
BCA/Ombudsman/12 of 2022**

**Akhilesh Kumar Singh, S/O Shri Pradyumna Narayan Singh, R/O Meera Cinema Road, Gangjala, Ward No.-19, Saharsa – 852201, Secretary, Saharsa District Cricket Association**

**Email ID: akhileshmed30@gmail.com**

.....Petitioner

**Versus**

**1. Bihar Cricket Association through its Secretary, Shail Raj Complex, Buddha Marg, P.S. Kotwali, Patna-800001.**

**Email: bca@biharcricketassociation.com**

**2. President, Bihar Cricket Association, Shail Raj Complex, Budha Marg, Patna-01.**

**Email: president.bca.rkt@gmail.com**

**president@biharcricketassociation.com**

**3. The Joint Secretary, Shail Raj Complex, Budha Marg, Patna-01.**

**Email: jointsecretary@biharcricketassociation**

**4. The Chief Executive Officer (CEO) Bihar Cricket Association, Patna-01.**

**Email: ceo@biharcricketassociation.com**

**5. Mr. Badal Kumar, S/O Late Bimal Kant Banarjee and Ms. Ratna Banarjee, R/O Sarahi More, Behind Mount Carmel School, Naya Bazar, District – Saharsa – 852201.**

**Email: saharsadca@biharcricketassociation.com**

**badalkumarfelevdca6@gmail.com**

.....Respondents

**19.08.2022**

The above named petitioner has filed this petition through his advocate Shri Sumit Kumar with hard copy of a print out of an email dt. 17.08.2022 (07:55 PM) purported to be sent by said Sumit Kumar, Advocate through his email: <sumitksomu@gmail.com> to emails: rksinghbjs@gmail.com, (my email) with cc to: biharcricketassociation@gmail.com, jointsecretary@biharcricketassociation, president@biharcricketassociation.com,

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R Singh

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mentioning therein to find enclosed herewith pdf copy of the petition filed on behalf of the petitioner Akhilesh Kumar Singh with Annexures – Annexure - 1 series (purported to be copies of relevant documents Pages 10 to 27), Annexure – 2 (copy of the order dt. 13.04.2022 passed in BCA/Ombudsman/12 of 2021, Zeya Eqbal Vs. Bihar Cricket Association & Ors., Pages 28 to 47), Annexure – 3 (copy of the notification dt. 02.06.2022 purported to be uploaded on the website of BCA regarding constitution of a Committee consisting of Shri Nand Kumar Shrivastava as its Chairman, Shri Sanjay Kumar Singh as its Convenor, Shri Badal Banarjee as its Member as per the aforesaid order dt. 13.04.2022 in Omb 12 of 2021 at Page 48), Annexure – 4 (copy of notification dt. 31.07.2022 uploaded on the website of BCA publishing the list of the clubs affiliated to different district cricket associations such as Kaimur, Gaya, Siwan, Gopalganj, Saharsha, Saran, Sheohar, Khagariya, Madhepura, Madhubani mentioning therein that if there is any objection as regards to the lists published for each of the aforesaid districts found to be verified the said direction should be made to the aforesaid “Three Members' Committee”, which verified the list of the clubs at Pages 39 to 52), Annexure – 5 (copy of the notification dt. 10.08.2022 purported to be uploaded on 10.08.2022 on the website of BCA through which the decision dt. 09.08.2022 of the aforesaid “Three Members' Committee” about the formation of Ad-hoc Committee in different DCAs such as of districts Siwan, Saran, Sheohar, Khagariya, Saharsha, Gopalganj, Madhepura, Gaya, Kaimur, Madhubani, Arariya, Nalanda, Bhagalpur, Aurangabad, Banka at Pages 53 to 54), Annexure – 6 (copy of the notification dt. 08.08.2022 purported to be uploaded on 08.08.2022 on the website of BCA mentioning therein that in the meeting of the COM of the BCA dt. 08.08.2021 a Committee was constituted for verification of documents of the different DCAs and the said decision of the COM was approved in the AGM dt. 09.08.2021 of the BCA but as per the order of the Ombudsman in the case 12 of 2021 the aforesaid Committee was re-constituted under the Chairmanship of Retd. Districts & Sessions Judge Shri Nand Kumar Shrivastava and the aforesaid re-constituted Committee have been verifying the voter clubs of different DCAs, and the COM of the BCA in its meeting dt. 17.07.2022 has decided to verify the clubs to the DCAs of Muzaffarpur, Bhojpur, Sitamarhi, Begusarai, Arwal, Buxar, West Champaran, Purnea, Katihar, Supaul, Vaishali, Madhepura, where the election, have already been done, by the aforesaid re-constituted Committee at Pages 55 & 56) for the following reliefs:

1.(a) That the above named petitioner is filing the present petition before this Hon'ble Tribunal for declaring that respondent no. 5 in violation of Rule 17(4) of the Constitution of Bihar Cricket Association has been made member of three-men committee constituted in light of this Hon'ble Tribunal's order dated 13.04.2022 passed in BCA/Ombudsman/12 of 2021 (Zeya Eqbal Vs Bihar Association & Ors.) to examine the legality and illegality of member associations without his

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completing the 'Cooling Off' period.

1.(b) That the petitioner is further praying before this Hon'ble Tribunal to direct/command the authorities of Respondent Bihar Cricket Association specifically Respondent No.2 to restrain respondent no. 5 as a member of three men committee constituted in light of Hon'ble Ombudsman's order dated 13.04.2022 passed in BCA/Ombudsman/12 of 2021 (Zeya Eqbal Vs Bihar Cricket Association & Ors.)

1.(c) That the petitioner is further praying before this Hon'ble Tribunal to restrain the three-men committee constituted in light of Hon'ble Ombudsman order dated 13.04.2022 passed in BCA/Ombudsman/12 of 2021 (Zeya Eqbal Vs Bihar Cricket Association & Ors.) to examine the legality and illegality of member associations as the same has been constituted in violation of directions given by this Hon'ble Tribunal in the said order dated 13.04.2022 passed in BCA/Ombudsman/12 of 2021 (Zeya Eqbal Vs Bihar Cricket Association & Ors.)

on the grounds mentioned in the petition.

The grounds mentioned in the petition are as follows:

That in compliance of the order dt. 09.08.2018 passed in Civil Appeal No. 4235 of 2014 by Hon'ble Supreme Court the Bihar Cricket Association (BCA) drafted its Constitution (Rules & Regulations), which was approved and accepted in the SGM (Special General Body Meeting) dt. 02.09.2018 of the BCA and as per the said Rules & Regulations any "Executive Member" shall not be a Member of any Committee whatsoever of the BCA and the expression "Executive Member" shall not be circumvented by being Member of any other Committee in BCA/BCCI/District Cricket Association (DCA). In this regard it has been submitted by the petitioner that the respondent no. 5 has been Joint-Secretary/Honorary Secretary of Saharsha DCA since 2010 and till 31.01.2021, on which date election of Saharsha DCA was held and present Committee of Management (CoM) of said DCA was elected with further assertion that copies of the relevant documents concerning the said matter have been annexed as Annexure – 1 series to the petition.

That this Hon'ble Tribunal vide order dt. 13.04.2022 passed in BCA/Ombudsman/12 of 2021 (Zeya Eqbal Vs Bihar Cricket Association & Ors.) has been pleased to direct as under:

- (i) BCA to form a Committee including a retired Judicial Officer.
- (ii) Said Committee shall function under the supervision of said retired Judicial Officer.
- (iii) Said Committee shall verify the voter-list of each of such District Units.
- (iv) Said Committee after such verification shall form an ad hoc committee in such Districts.
- (v) The Ad hoc Committee shall be constituted from amongst the office bearers of the clubs affiliated to such Districts.

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(vi) Election shall be held under the supervision of Observer appointed by the BCA amongst whom one must be a retired Judicial Officer/retired Bihar Administrative Officer.

(vii) Entire process shall be completed within next three months.

(Copy of the said order dt. 13.04.2022 passed in aforesaid case Ombud 12 of 2021 has been annexed as Annexure 2 to the petition)

That as per Rule 8 of the BCA Rules & Regulations only General Body of BCA consisting of all its Members forms the BCA and said General Body have powers of governance, management & decision making process of the BCA, and the Committee of Management (CoM) only govern the affairs of the BCA but in the matter of constitution of the Committee as per aforesaid order dt. 13.04.2022 in aforesaid case Ombud 12 of 2021 (Annexure – 2) was neither done by the BCA, i.e., General Body of the BCA nor the CoM of the BCA rather the Committee so framed purporting to be constituted as per the aforesaid order dt. 13.04.2022 ( Annexure – 2) was framed by Shri Rakesh Kumar Tiwary, the President BCA (copy of the notification dt. 02.06.2022 uploaded on the website of the BCA showing that the aforesaid notification was issued under signature of said Shri Rakesh Kumar Tiwary as President BCA has been annexed as Annexure – 3 to the petition).

That the said Three Men's Committee purported to be constituted under signature of said Shri Rakesh Kumar Tiwary as President BCA (Annexure – 3) in accordance with the aforesaid order dt. 13.04.2022 (Annexure – 2) instead of verifying the voter-lists of the District Units (DCAs) had verified the list of voter-clubs and published the list of voter-clubs without giving the names of the office-bearers of the CoM of such voter-clubs leading to inference that the said Committee had not verified the names of the office-bearers of those voter-clubs. (Copy of one such notification uploaded on the website of BCA purported to be the lists of the clubs verified by the said Committee has been annexed as Annexure – 4 to the petition).

That the said Three Men's Committee had constituted ad-hoc Committees in most of the District Units, and the ad-hoc Committee constituted by said Three Men's Committee for Saharsha DCA has been constituted under the Chairmanship of one Mr. Sumit Kumar Biswas, who is none else but son of respondent no. 5's sisters son ('Bhanja' of said Shri Badal Kumar – respondent no. 5).

(Copy of the concerned notification dt. 10.08.2022 purporting to be the lists of the ad-hoc Committees constituted for different districts including districts Saharsha by said Three Men's Committee as per its decision taken on 09.08.2022 in its meeting uploaded on the website of BCA has been annexed as Annexure – 5 to the petition).

That for conducting elections in different District Cricket Associations an advertisement inviting applications from Retd. Judicial Officer / Retd. Bihar Administrative Service Officers for appointing them as Observers for conducting the elections in different DCAs as per stipulations in

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the aforesaid order dt. 13.04.2022 (Annexure – 2) was published on 30.06.2022 on the website of BCA but till date no notification of any such appointment has been made. However, in few of the districts the ad-hoc Committee has already convened AGM (Annual General Body Meeting) of such District Units and date of election, etc. has been announced and that too without giving proper prior 21 days mandatory notice.

That as per notification uploaded on the website of the BCA on 08.08.2022 (Annexure – 6 to the petition) describes that in 12 District Units of BCA with their names election had already been done, but without specifying the names of the office-bearers of such District Units so elected in the aforesaid claimed election held in such District Units and also without specifying the concerned dates on which dates the elections in such District Units were held.

In the last of the petition it has been prayed that this Tribunal may:

graciously be pleased to issue notice for calling upon the respondents to show cause as to why prayers made in the petition at Paragraph No. 1 be not allowed and after the cause shown, if any, and also after hearing the parties be further pleased to allow the prayers made in the petition at Paragraph No. 1 in favour of the petitioner and against the respondents

and

this Tribunal may further be pleased to restrain the respondent no. 5 from participating in any of the meetings of said Three Men's Committee till the disposal of the present case

and

this Tribunal may also be pleased to restrain the said Three Men's Committee constituted in alleged compliance of Hon'ble Tribunal order dt. 13.04.2022 passed in BCA/Ombudsman/12 of 2021 till disposal of the present case

and/or

this Tribunal may graciously be further pleased to pass any such other or further order/orders as may deem fit and proper in the facts and circumstances of the case.

With the petition a notice purported to be given by aforesaid Mr. Sumit Kumar, Advocate to five (5) respondents has also been filed and on the said notice there is an edorsement purported to be made by Shri Krishna Murari Prasad, Advocate for the BCA to the effect that he received copy of the petition along with said notice about filing of this petition on 19.08.2022 at 12:00 noon.

Put up on 20.08.2022 at 05:30 PM for hearing virtually on 'Google Meet' app on admission for which notice is hereby sent on emails of said Shri Sumit Kumar, Advocate and his senior counsel Shri Rajesh Kumar Singh, Advocate and also to Shri Krishna Murari Prasad, Advocate for the BCA.

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*R Singh***(Raghwendra Kumar Singh)****In-charge Ombudsman****Bihar Cricket Association****Copy to:**

1. Sri Rajesh Kumar Singh, Advocate  
Email: [deenurajesh@gmail.com](mailto:deenurajesh@gmail.com)
2. Bihar Cricket Association, through its Acting Secretary  
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3. President, Bihar Cricket Association.  
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*R Singh*