

**Before Ombudsman, Bihar Cricket Association
Raghwendra Kumar Singh (Retd. District Judge)
Incharge Ombudsman, Bihar Cricket Association
BCA/Ombudsman/13 of 2022**

1. Sitamarhi District Cricket Association through its Honorary President, Vineet Kumar (as claimed).

2. Vineet Kumar, S/O Shri Shivchander Prasad Singh, R/O 302-B, Lakshmi Villa, Mahesh Nagar, Keshari Nagar, Police Station – Patliputra, Patna – 24.

Contact No: 91990-66666

Email ID: vineet95422@gmail.com

.....Petitioner

Versus

1. Bihar Cricket Association through its Honorary Secretary, 1st & 2nd Floor, Shail Raj Complex, Budha Marg, P.S. - Kotwali, Patna-800001.

Email ID: bca@biharcricicketassociation.com

2. The Honorary Acting Secretary, BCA, 1st & 2nd Floor, Shail Raj Complex, Budha Marg, P.S. - Kotwali, Patna-800001.

Email ID: secretary@biharcricicketassociation.com

3. Chief Executive Officer (CEO) Bihar Cricket Association, 1st & 2nd Floor, Shail Raj Complex, Budha Marg, P.S. - Kotwali, Patna-800001.

Email ID: ceo@biharcricicketassociation.com

4. Mr. Rakesh Kumar Tiwari, President, Bihar Cricket Association-cum-Chairman, Three Men Committee, R/O: 46. Patliputra Colony, Police Station – Patliputra, Patna – 800013.

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

president@biharcricicketassociation.com

.....Respondents

20.08.2022

The petition of the petitioners named above along with its Annexures 1 to 11 has been filed

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today in hard copy by Shri Nikhil Singh, Advocate for the petitioners in whose favour vakalatnama has been executed by aforesaid Vineet Kumar on 06.08.2022 praying therein:

1.(a) For issuance of order/orders, direction/directions as the nature of the case may be required for setting aside / pressing the report dt. 04.01.2020 (Annexure – 10 at Pages – 78 to 96) submitted by Three Men Committee constituted under the Chairmanship of Mr. Rakesh Kumar Tiwary, President BCA (Bihar Cricket Association) for redressal of disputes prevailing within the DCAs (District Cricket Associations) including Sitamarhi DCA.

1.(b) For issuance of further order/orders, direction/directions to the respondents to recognise the petitioners as genuinely elected and validly constituted body and thereby to allow to conduct all cricketing activities within the district of Sitamarhi as is being done since its inception.

on the ground mentioned in the petition, which are as follows:

That the petitioner no. 2 is duly elected President of petitioner no. 1, which is an affiliated unit of DCA.

That the outgoing Committee of Management (CoM) of BCA was pleased to disaffiliate the CoM of Sitamarhi DCA and that decision of BCA through its CoM was never assailed by anyone and no order of any competent authority/court has been passed till the date , on which the petition was signed purported with an affidavit sworn by said Vineet Kumar on 06.07.2022 and as such the aforesaid decision of the COM has attained finality.

That due to aforesaid disaffiliation of the COM of Sitamarhi DCA the cricketing activities within the district of Sitamarhi came to stand still, and therefore, after more than two years all the 8 full members of Sitamarhi DCA held a formal meeting on 22.12.2018 wherein all the members of Sitamarhi DCA and other cricket loving persons discussed the prevailing situations present at that time and then in furtherance the aforesaid meeting dt. 22.12.2018, another meeting was held on 23.12.2018 wherein an ad-hoc Committee of Sitamarhi DCA was constituted under the Chairmanship of Shri Gopal Jha about which news was published in looking daily newspaper dt. 24.12.2018 and said decision about constitution of said ad-hoc Committee in Sitamarhi DCA taken by all the full members of Sitamarhi DCA was duly accepted and approved by the COM of BCA and the constitution of aforesaid ad-hoc Committee taken by all the full members of Sitamarhi DCA has not been assailed before any Court/Tribunal till signing of the petition and in this regard copy of the notice dt. 22.12.2018 for convening meeting of different clubs affiliated with Sitamarhi DCA (Annexure – 1 at Page 9), copy of resolution/minutes of the proceedings purported to be passed in the aforesaid meeting dt. 23.12.2018 (at Page 10 purported to be part of Annexure – 2), copy of the resolution passed on 28.12.2018 by the aforesaid ad-hoc Committee of Sitamarhi DCA (at Page 11 purported to be part of Annexure – 2), and publication of news regarding disputes in 8 DCAs of Bihar and constitution of said ad-hoc Committee in Sitamarhi DCA (Annexure – 3 at Pages 16 to

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18), have been filed with the petition.

That after formation of said ad-hoc Committee of Sitamarhi DCA, the said ad-hoc Committee took charge of holding cricketing activities etc. within the district of Sitamarhi and all the members of Sitamarhi DCA held SGM (Special General Body Meeting) on 15.02.2019 under the Chairmanship of aforesaid Mr. Gopal Jha and in the said SGM it was resolved that the election for posts of the COM of Sitamarhi DCA would be held on 14.03.2019 and for that purpose Shri Amar Kumar Mishra, Advocate was appointed as Electoral Officer (copy of the minutes of the aforesaid SGM dt. 15.02.2019 is Annexure – 4 at Pages 19 to 21).

That the election schedule was declared as follows:

Date of Nomination	: 25.02.2019
Date of Scrutiny of Nomination	: 26.02.2019
Date of withdrawal of Nomination	: 27.02.2019
Date of Election	: 14.03.2019
Date of Counting of Votes	: 14.03.2019 after casting of votes.
Date of Declaration of Result	: 14.03.2019

That after the date of withdrawal of nomination candidates were as follows:

President : Vineet Kumar & Safdar Kamal
 Vice President : Kaushlender Kumar Singh
 Secretary : Anand Kumar & Md. Imran Khan
 Joint Secretary : Samresh Kumar Parmar & Md. Nemari
 Treasurer : Md. Samas Shanawaz & Sanjeev Kumar

That on the schedule date the election was held on 14.03.2019 for four posts as on the post of Vice-President, Mr. Kaushlender Kr. Singh remained uncontested, and the entire election was held under video-recording and after counting of votes result was declared by the Electoral Officer and following persons/candidates to successful in the following manner:

President : Vineet Kumar
 Vice President : Kaushlender Kumar Singh
 Secretary : Anand Kumar & Md. Imran Khan
 Joint Secretary : Samresh Kumar Parmar
 Treasurer : Md. Samas Shanawaz

and after declaration of the result the Electoral Officer distributed the certificates to the winning candidates and submitted a detailed report dt. 14.03.2019 to the BCA (copies of the relevent documents concerning the aforesaid election including nomination forms, report of the Electoral Officer, certificates of winning candidates have been annexed as Annexure – 5 at Pages 22 to 62).

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That the COM of BCA confirmed the aforesaid election of Sitamarhi DCA and accordingly certificate of affiliation/registration dt. 11.06.2019 (Annexure – 6 at Page 63 was issued by the BCA in favour of the petitioners and for that affiliation fee was paid by the petitioner no. 2 to the BCA, which after receiving affiliation fee granted its receipt dt. 17.07.2019 (copy of which has been filed as Annexure – 7 at Page 64).

That the election of BCA was held on 29.09.2019 for which voter-list was published on 13.09.2019, in which wrong names of the members of ad-hoc Committee of Sitamarhi DCA were mentioned for which the petitioner no. 2 made his objection dt. 14.09.2019 (copy of which is Annexure – 8 at Page 65) to the Electoral Officer of BCA, who thereafter resigned and a new Electoral Officer of BCA was appointed to whom the petitioner no. 2 met but the new Electoral Officer declined to entertain the petitioners on the grounds that the voter-list had already been published by her predecessor and as such she cannot review the same and also because the election of BCCI had already been announced, and consequently, the election in State Association must had to be concluded in time but the new Electoral Officer allowed the petitioner no. 2 to participate in the AGM of BCA dt. 29.09.2019 in which election of BCA was held and in this regard the petitioners have filed copy of the minutes of the AGM dt. 29.09.2019 claimed to be filed by the BCA in Civil Court, Patna in Title Suit No. 88 of 2021 as Annexure – 9 at Pages 66 to 77.

That thereafter the respondent no. 4 with ulterior motive constituted a Three Men Committee for redressal of disputes within its District Members though Rule 48(b) bars the BCA to interfere in the internal affairs of its full members, and the said Three Men Committee under garb of redressing internal disputes in its full members took decisions which suited to it under influence of Mr. Neeraj Rathore, Ex-Secretary of Sitamarhi DCA, who was none else but representative of respondent no. 4 and his polling agent in the aforesaid election of BCA which was held on 29.09.2019 and the respondent no. 4 after his election as President BCA appointed said Mr. Neeraj Rathore as GM, Administration of BCA on the salary of Rs. 75,000 per mensem as reward to Mr. Neeraj Rathore and in this regard the report of the said Three Men Committee dt. 04.01.2020 has been filed as Annexure 10 at Pages 78 to 96.

That it will be worthwhile to mention that since election of Sitamarhi DCA on 14.03.2019 the newly elected COM of Sitamarhi DCA which came into existence by that election dt. 14.03.2019 has been carrying out all the cricketing activities in Sitamarhi District and in this regard copy of the news published in daily newspapers about conducting cricketing activities in said district under the aforesaid COM of Sitamarhi DCA has been filed as Annexure – 11 at Pages 78 to 96.

Let notices be issued to each of the respondents with copies of the petition including its Annexures in such a way that the same would have been served to each of them that they could file

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their respective replies before the next day which is going to be fixed in the present matter before this Tribunal after serving copy of reply of each of the respondents to the counsel of the petitioners, namely, Shri Sumeet Kumar Singh or Shri Nikhil Singh, Flat No. 202 Sashi Sudama Niketan Apartment, Road No-2, Near Nala Road Petrol Pump, Rajendra Nagar, Patna-800001.

Put up on 09.09.2022 for filing of the replies by the respondents and also hearing on the point of whether the cause of action for the present matter still survive till now as the claim of the petitioner is that election in Sitamarhi DCA by its affiliated full members (clubs) was held on 14.03.2019 and in that case even if the said election through which the petitioners claim that the new COM of Sitamarhi DCA came into existence would have been recognised what purpose would be served because even if the prayers made in the petition are allowed then in that case also the aforesaid claimed COM of the Sitamarhi DCA's term would have been expired on 13.03.2019.

R Singh
(Raghwendra Kumar Singh)
In-charge Ombudsman
Bihar Cricket Association

Copy to:

1. Shri Sumeet Kumar Singh, Advocate
Email: lawyersumeet@gmail.com
2. Bihar Cricket Association, through its Acting Secretary
Email: bca@biharcricquetassociation.com
3. President, Bihar Cricket Association.
Email: president@biharcricquetassociation.com
president.bca.rkt@gmail.com
4. Acting Secretary, BCA
Email: secretary@biharcricquetassociation.com
5. Chief Executive Officer, Bihar Cricket Association
Email: ceo@biharcricquetassociation.com
6. Shri Krishna Murari Prasad, Advocate
Email: adv.krishnamurariprasad@gmail.com

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R Singh

7. Shri Nikhil Singh, Advocate

Email: lawyer.nikhil666@gmail.com

Mob: 7895445620

8. Shri Vineet Kumar

Email: vineet95422@gmail.com

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