

Before Ombudsman, Bihar Cricket Association

Nawal Kishore Singh (Retd. District Judge)

Bihar Cricket Association

BCA/Ombudsman/02 of 2023

Bihar Cricket Association through its Joint Secretary asserting also to be its Acting Secretary, 1st and 2nd Floor, Shailraj Complex, Buddha Marg, P.S. Kotwali, Patna-800001.

E-mail ID : bca@biharcricicketassociation.com

: jointsecretarybca@biharcricicketassociation.com

.....Petitioner

Versus

Sri Amit Kumar, son of Fulena Singh, R/o Village & P.O. Bhairwar, District- Begusarai-851129.

Mobile No. 9709546522

Email ID : secretary.biharca@gmail.com

.....Respondent

13.05.2023 Petitioner's Advocate Sri Prashant Sinha appeared. Nobody appeared on behalf of Respondent Sri Amit Kumar.

A petition has been filed on behalf of the Petitioner praying therein for passing Interlocutory order declaring the act/acts of Sri Amit Kumar done after 30.12.2022 including the correspondence, appointment etc. by misrepresenting himself as Secretary of Bihar Cricket Association null and void.

It has been further prayed that the necessary legal action may also be taken against Respondent Sri Amit Kumar on the ground mention in this petition.

It has been mentioned in the petition that Sri Amit Kumar's power to act as Secretary of BCA has been seized by the Committee of Management by order dated 02.01.2023 and the matter has been referred to this Forum in terms of Clause-45(1)(a)(b) read with Rule 45(6) of Constitution of BCA and the said decision was approved by order dated 18.01.2023 of Ombudsman and in place of the then Secretary, Sri Amit Kumar, Smt. Priya Kumari, the Joint Secretary of BCA was authorized to operate the Bank Account. Thus, on the above ground the abovementioned relief has been sought for.

Heard, Sri Prashant Sinha, learned Advocate for the Petitioner and as already stated above, Respondent Sri Amit Kumar is absent today also.

From the perusal of the petition and after hearing the argument advanced by Sri Prashant Sinha, it appears that due to anti-Association activities, the Committee of Management has seized the power of Sri Amit Kumar to act as Secretary of BCA and it is also clear that in his place Joint Secretary Smt. Priya Kumari has been authorized to operate the Bank Account of BCA.

From the record and the argument of the Petitioner, it also appears that Sri Amit Kumar has taken the plea before this Forum that no 'Show Cause Notice' was issued to him prior to passing the order of Committee of Management seizing his power to act/acts as Secretary of the BCA.

In answer to this plea, Petitioner's Lawyer Sri Sinha submitted that the said Show Cause Notice was issued to him and a reply of which was also given by Sri Amit Kumar which is apparent from the record.

From the above discussion and contents of the pleading of the Petitioner, it appears that Sri Amit Kumar is purposely avoiding this proceeding and he is badly busy in anti-Association activities. In this regard, the submission of the Petitioner appears to be reasonable that the Petitioner may be directed to give substituted service of notice to the Respondent which is allowed and therefore, Petitioner is directed to give the information of the proceeding to Sri Amit Kumar by giving this information through paper publication, both in Hindi and English which are in circulation in Patna and Begusarai within 7 days. Fixing the next hearing on 20.05.2023^{at 6.30 p.m.}. In the meantime, Sri Amit Kumar is directed to stop all the anti-Association's activities forthwith.

Informed all concerned.



(Nawal Kishore Singh)

Ombudsman

Bihar Cricket Association

Copy to :-

1. **President, Bihar Cricket Association**
Email: president@biharcricicketassociation.com
2. **Bihar Cricket Association, through its Acting Secretary,**
Email : bca@biharcricicketassociation.com
3. **Chief Executive Officer, Bihar Cricket Association**
Email: ceo@biharcricicketassociation.com
4. **Prashant Sinha, Advocate**
Sinhaprashant976@gmail.com
5. **Mr. Rakesh Kumar Tiwary at present President Bihar Cricket Association**
Email : president.bca.rkt@gmail.com
6. **Mr. Amit Kumar, asserted to be restrained Secretary, BCA**
Email : secretary.biharca@gmail.com
7. **Joint Secretary, BCA**
Email : jointsecretarybca@biharcricicketassociation.com