

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 & 2nd Floor, Shailraj Complex, Buddha Marg, P.S. Kotwali, District- Patna, PIN-800001.

E-mail ID :- bca@biharcricicketassociation.com

:- jointsecretarybca@biharcricicketassociation.com

.....Petitioner

Versus

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

Mobile No. 9709546522

E-mail ID :- secretary.biharca@gmail.com

.....Respondents

ORDER

30.05.2023

Record is put up for order.

A petition was filed on 19.01.2023 by Bihar Cricket Association through its Joint Secretary who has also been made In-charge temporarily in place of Honorary Secretary of the Association before the Ombudsman In-charge praying therein that Mr. Amit Kumar be removed from the post of Honorary Secretary due to his irresponsible and anti-association activities resulting in damaging the image of BCA in violation of Rule-5(a)((iv)(v)(vii) of the Bihar Cricket Association and also restraining him from functioning as Honorary Secretary of BCA by confirming unanimous decision of the Committee of Management in the meeting held on 30.12.2022.



It has further been prayed that a direction be given to conduct fresh election for appointing Honorary Secretary of Bihar Cricket Association for smooth functioning of the Association.

It has further been prayed that a direction also be given to the petitioner to take legal action against the Sole Respondent Mr. Amit Kumar.

Thereafter, as it appears a reply was filed by Sole Respondent Mr. Amit Kumar appearing through his Lawyer Mr. Ranjan Kumar Srivastava refuting the claims and allegations of the Petitioner BCA and submitted that he has not committed any misconduct nor he has shown any indiscipline behaviour towards the Bihar Cricket Association nor he is damaging the reputation, image of Bihar Cricket Association and a false and imaginary allegation has been levelled and he so-called seizing of power by the BCA is illegal, improper and unjustified. It has also been stated that before seizing his power he was not asked to show cause so that he may get opportunity to explain his position as such there is denial of principle of natural justice. With the above submission the Sole Respondent prayed for dismissing this case of BCA and allowing him to function as Honorary Secretary of Bihar Cricket Association. It further appears that after filing this petition the sole Respondent also appear before the In-charge, Ombudsman but subsequently he absented himself to represent his case. Now the question arises as to whether the prayer of the petitioner is fit to be allowed or not.

From perusal of the pleading of the parties and submission of the BCA, it appears that when the Sole Respondent was found in indulging himself in acting against the interest of the Association and violating the Constitution of the BCA. In this regard, matter was referred to Committee of Management who found him for conducting misconduct and also becoming indiscipline against the provision of the Constitution of BCA in the result of which the power of the Sole Respondent to act as Honorary Secretary was seized and a prayer has been made by the Bihar Cricket Association to remove him from the post of Honorary Secretary.

From perusal of the pleading of the parties and submission made by the Petitioner, Bihar Cricket Association, it appears that due to the actions of the Sole Respondent, it can be said that he does not want to participate in the proceeding. On the other hand from the pleading of the Petitioner and



submission made on behalf of his lawyer, it is clear that admittedly the power of sole respondent Mr. Amit Kumar was seized on being found indulging himself in anti-activity and against the interest of the Bihar Cricket Association. In course of argument, it was made clear that when Annual General Meeting of the Bihar Cricket Association was convened on 30.12.2022, the Sole Respondent Mr. Amit Kumar created ugly scene with the help of his men and anti-social elements and he tried his best to disturb the meeting.

Not only this, he got one case filed bearing E.O. No. 01/2023 (Yoshita Patwardhan Vs. BCA and Ors.) before the Ethics Officer in January, 2023, where this Respondent Amit Kumar appeared in capacity of Honorary Secretary of the BCA without the information to the BCA and supported the case of the petitioner so that function of the BCA be paralysed knowing it full well that his power to act as Honorary Secretary has been seized, and in order to get a favourable order with his connivance. This action of the Respondent Mr. Amit Kumar is sufficient to prove his misconduct and also contrary to the interest of the BCA.

It is also clear that as per submission of the Bihar Cricket Association and its pleading both in main petition and Interlocutory petition filed subsequently, it appears that Mr. Amit Kumar was elected Honorary President held on 25.09.2022 and he participated in the meeting of Committee of Management dated 04.10.2022 through virtual mode and meeting of AGM dated 25.09.2022 where the Constitution of the BCA was amended, but in those meetings Mr. Amit Kumar did not raise any objection with regard to the amendment of the Constitution of the BCA and filing the I.A. No. 132771 and 132773 of 2022 before the Hon'ble Apex Court. It has also been submitted that after the amendment in the Constitution of BCA which was registered in Department of Registration on 21.07.2022 and the said meeting of the General Body of the Begusarai District Cricket Association from where the Sole Respondent Mr. Amit Kumar is Stake Holder of the BCA, knowing it full well regarding the amendment of the Constitution of BCA, an Interlocutory Application was filed before the Hon'ble Apex Court. Not only this Mr. Amit Kumar appeared before the Hon'ble Apex Court in the capacity of Honorary Secretary without informing the Member of the BCA and without taking any permission from the competent authority, nor he consulted the legal team of the BCA and filed I.A. No. 165077, 165081 and 165743 of 2022 before the



Hon'ble Apex Court, where Mr. Amit Kumar took contrary and separate stand of the BCA and engaged the lawyers of his own choice. These acts of Mr. Amit Kumar are certainly against the interest of BCA and that amounts to violation of Constitution of Bihar Cricket Association. Not only this, from the pleading and submission of the BCA, it is clear that Mr. Amit Kumar represented himself before the several Judicial Forum without any permission and authority of the BCA, resulting in damaging the image of the BCA.

I find force in submission of the learned Lawyer of the Petitioner that Mr. Amit Kumar is in habit of threatening and influencing the selectors to send unauthorized mails in order to create undue pressure. The petitioner has also brought on record those mails by way of Annexure-4 to the petition.

In course of argument, the learned Lawyer appearing on behalf of the petitioner referred to one specific incident where the Sole Respondent Mr. Amit Kumar without the consent of the President of BCA or any requisition from the members, issued notice for a meeting of Committee of Management on 13.01.2023 but due to non-availability of the places and match fixtures of Ranji Trophy and U-25 scheduled at Patna on 1st March, 2023 and the President of BCA in continuation with the notice postponed the date of meeting on 30.12.2022.

It has also been brought to my notice that the Sole Respondent Mr. Amit Kumar has created a parallel and fake website www.biharcricquetassociations.com in the name of BCA and through that website he is advertising and inviting applications for the appointment and thereby he is creating a confusion in public. He is also organising cricket matches and for that this parallel and fake website are being used which is certainly against the interest of Bihar Cricket Association and the Cricketers and he is treating the affairs of the Association like his pocket preserve.

All the facts stated above and material available on the record go to show that Respondent Mr. Amit Kumar should not be allowed to continue to act as Honorary Secretary of the BCA. Under the circumstances mentioned above, I am constrained to hold that the prayer of the petitioner are fit to be allowed. Here it would not be out of place to mention that due to the actions of the Respondent, there is nothing on record to contradict the submission of the Petitioner. In the result, the following reliefs are granted :-



of the Respondent, there is nothing on record to contradict the submission of the Petitioner. In the result, the following reliefs are granted :-

- a) The Decision of the Committee of Management dated 30.12.2022 is affirmed and Mr. Amit Kumar, the Sole Respondent is terminated from the post of Honorary Secretary of the Bihar Cricket Association on account of misconduct and irresponsible behaviour. It is further ordered that all the decisions taken by of the Respondent w.e.f. 30.12.2022 are hereby declare null and void.
- b) The petitioner BCA is further directed to conduct fresh election within period of 45 days from date of this order to appoint a regular Honorary Secretary of the BCA. The temporary arrangement for performing function of Honorary Secretary is also approved.
- c) Regarding, granting permission for taking legal action against Mr. Amit Kumar, it is left on the discretion of the BCA.

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**
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