

Before Ombudsman, Bihar Cricket Association

Nawal Kishore Singh (Retd. District Judge)

Bihar Cricket Association

BCA/Ombudsman/20 of 2022

With

BCA/Ombudsman/23 of 2022

Sonu Kumar Jha, son of Shri Rash Bihari Jha, resident of Vill + P.O. Pursholia, P.S. Kaluaahi, District- Madhubani-847226, present resident of Railway Gandak Colony, Quarter No. 551B, P.S. Samastipur, District- Samastipur claiming himself to be the Secretary of Samastipur District Cricket Association.

.....Petitioner

Versus

1. Bihar Cricket Association through its President, presently also In-charge Secretary, 1st and 2nd Floor, Shailraj Complex, Budha Marg, P.S. Kotwali, Patna-800001.
Email ID :- bca@biharcricicketassociation.com
2. Rakesh Kumar Tiwari, President, Bihar Cricket Association, 1st and 2nd Floor, Shailraj Complex, Budha Marg, P.S. Kotwali, Patna-800001.
Email ID :- president_bca@yahoo.com
:- president_bca@yahoo.com
3. Nand Kumar Shrivastava, Chairman (reference Omb 12/2021 Ziya Iqbal Vs. Bihar Cricket Association dated 13.04.2022).
4. Sanjay Kumar Singh, Convenor (reference Omb 12/2021 Ziya Iqbal Vs. Bihar Cricket Association).
5. Badal Banarjee, Member (reference Omb 12/2021 Ziya Iqbal Vs. Bihar Cricket Association) son of Late Bimal Kant Banarjee and Mrs. Ratna Banarjee, Resident of Sarahi More, Behind Mount Carmel School, Naya Bazar, District- Saharsa-852201.
Email ID :- saharsadca@biharcricicketassociation.com
:- badalkumarfeleydca@gmail.com
6. Amit Kumar (Begusarai) Election Observer, Samastipur District Cricket Association Election dated 11.09.2022).
7. Anil Kumar, son of Late Mahaveer Shah, Chairman, Adhoc Committee, Samastipur District Cricket Association, Resident of Village- Bhuidhara, P.S. Muffasil, District- Samastipur, Mobile No. 9304815715.
8. Rupesh Kumar Jha, Member of Adhoc Committee, Samastipur District Cricket Association, resident of Beer Kunwar Colony, Ward No. 7, P.S. + District- Samastipur, Mobile No. 9472564231.

9. Abhinav Kumar Tiwari, son of Sushil Tiwari, Member of Adhoc Committee, Samastipur District Cricket Association, Resident of Punjabi Colony, Gali No. 01, P.S. + Dist. Samastipur.
10. Anil Kumar, son of Late Mahaveer Shah, Secretary, Samastipur District Cricket Association, Resident of Bhuidhara, P.S. Muffasil, District- Samastipur, Mobile No. 9304815715.
11. Brajesh Kumar Jha, son of Shri Amir Kumar Jha, President, Samastipur District Cricket Association, Resident of Mohalla- Barah Patthar, Ward No. 14, P.S. + District- Samastipur.
12. Abhinav Kumar Tiwari, son of Sushil Tiwari, Joint Secretary, Samastipur District Cricket Association, Resident of Punjabi Colony, Gali No. 01, P.S. + District- Samastipur.
13. Rupesh Kumar Jha, son of Bagesh Chandra Jha, Vice-President, Samastipur District Cricket Association, Resident of Beer Kunwar Colony, Ward No. 07, P.S. + District- Samastipur.
14. Parmeshwar Kumar, Treasurer, Samastipur District Cricket Association, Resident of Village- Jitwarpur, P.S. Muffasil, District- Samastipur.
15. Chandan Kumar Nandan, Club Representative, Samastipur District Cricket Association.
16. Shudhakar Kumar Roy, Electoral Officer, Samastipur District Cricket Association, Election dated 11.09.2022, Resident of Mohalla- Barah Patthar, Ward No. 14, P.S. + District- Samastipur.
17. Faijurrehman Faiz, Member of Election Committee, Resident of Mohalla- Bangali Tola, P.S. + District- Samastipur.
18. Thakur Jaishankar, Member of Election Committee, Resident of Mohalla- Kashipur, Samastipur.

.....Respondents

And

BCA/Ombudsman/23 of 2022

Himanshu Shekhar, son of Shri Shivdhari Thakur, resident of Punjabi Colony, Gali No. 1, Dharpur, P.O. Samastipur, District- Samastipur, PIN Code-848101 claiming himself to be Vice-President of Samastipur District Cricket Association Email ID :- himanshushekhar2012@gmail.com

Versus

1. Bihar Cricket Association through its President, presently also In-charge Secretary, 1st and 2nd Floor, Shailraj Complex, Budha Marg, P.S. Kotwali, Patna- 800001.
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Email ID :- saharsadca@biharcricketassociation.com
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18. Thakur Jaishankar, Member of Election Committee, Resident of Mohalla- Kashipur, Samastipur.

.....Respondents

ORDER

16.07.2023

Petitioner Sonu Kumar Jha is present personally along with his learned Advocate Sri Ranjeet Kumar Singh & Sri Ranjeet Kumar Singh is also representing another Petitioner Himanshu Shekhar in Case No. BCA/Ombudsman/23 of 2022.

Learned Advocate Sri Prashant Sinha is also present on behalf of BCA (Respondent No. 1 & 2).

In compliance of the previous order, order of paper publication in two papers namely Dainik Jagran (Hindi) on 13.07.2023 and Hindustan Times (English) on 15.07.2023 which is circulated in Samastipur District have been filed which are kept in the record.

These two papers show that a paper publication have validly been made.

But, today also, Respondent who were absent on previous date, are still absent.

As Sri learned Advocate Ranjeet Kumar Singh (on behalf of Petitioner Sonu Kumar Jha and Himanshu Shekhar) & learned Advocate Sri Prashant Sinha also appeared on behalf of Respondent No. 1 & 2 who were have at length.

From perusal of the record and contention of petitioner, it is admitted that before the Ombudsman of the BCA one Ziya Iqbal and Abhinav Kumar Tiwary from Samastipur stated that election of several District Cricket Associations have not been conducted and on that basis the then Ombudsman vide his order dated 13.04.2022 directed Bihar Cricket Association to dispose of all the grievances of the District Cricket Association till 07.09.2022.

In compliance of that the BCA constituted a Committee constituting (1) Nand Kumar Srivastava, (2) Sanjay Kumar Singh & (3) Badal Banerjee (Respondent No. 3, 4 & 5) who are absent today. The above said Committee also constituted Committee headed by (1) Anil Kumar, (2) Rupesh Kumar Jha & (3) Abhinav Kumar Tiwary who are Respondent No. 7, 8 & 9 in the present case who were authorized to held Samastipur District Cricket Association, who in their turn also constituted a Three Men Committee consisting of (1) Sudhakar Kumar Rai, (2) Faizur Rahman Faiz & (3) Thakur



Jayshankar who are Respondent Nos. 16, 17 & 18 respectively. It further appears that according to the submissions of the parties, altogether 26 Clubs were entitled for voting who were voter from before and the abovementioned Committee had to conduct election by 07.09.2022, but no election could be done by that day. Suddenly, on 12.09.2022, the petitioner got information through paper that on 11.09.2022 election was held without any information to the voters. In support of his contention altogether 17 affidavits have been filed by the Voters who have clearly stated that no information regarding the date of election were given to them nor they have got any information.

Not only these the remaining six voters, who are Respondent Nos. 10 to 15 who have not filed affidavits because they were declared Office Bearer of the Samastipur District Cricket Association and they are still functioning.

In view of the above facts, it is clear that some mal-practices have been done in this so-called election of Samastipur District Cricket Association.

Surprisingly enough, the persons who were authorize to hold election to redress the grievances of the concerned District Cricket Association, instead of performing their duties they were declared Office Bearers and that to uncontested. These facts are sufficient to say that the so-called election dated 11.09.2022 in which the Respondents who are mentioned above have been declared illegally, hence, I am constrained to hold that the abovementioned election is declare null and void. The BCA is further directed to hold fresh election of Samastipur District Cricket Association in accordance with the Constitution of Bihar Cricket Association and Bye-laws of Samastipur District Cricket Association within the stipulated time.

This case is disposed of accordingly.


(Nawal Kishore Singh)

Ombudsman

Bihar Cricket Association

Copy to :-

1. President, Bihar Cricket Association
Email: president@biharcricketassociation.org
2. Bihar Cricket Association, through its Acting Secretary
Email: bcas@biharcricketassociation.org
3. Chief Executive Officer, Bihar Cricket Association
Email: ceo@biharcricketassociation.com
4. Sri Rakesh Kumar Tiwari, at present President Bihar Cricket Association
Email: president.bca.rkt@gmail.com
5. Shri Navjot Yesu, Advocate
Email: navjotlawyer@yahoo.co.in

6. Sri Badal Banerjee
Email: badalbanerjee@bncn.org
7. Sri Himanshu Sekhar
Email: Himanshu_Sekhar2011@gmail.com
8. Sri Sonu Jha
Email : sdc@zamastipur@gmail.com
9. Sri Ranjeet Kumar Singh, Advocate
Email: rksingh-raunmeer@gmail.com
10. Secretary, BCA
Email: secretary.bihara@gmail.com
11. Sri Prashant Sinha, Advocate
sinhaprashant976@gmail.com