

Before Ombudsman, Bihar Cricket Association

Nawal Kishore Singh (Retd. District Judge)

Bihar Cricket Association

BCA/Ombudsman/01 of 2025

**Yashaswi Rishav, Male, son of Ajay Kumar Tiwari, Resident of P.O. + P.S.-
Buxar, District- Buxar (Bihar) through his Advocate Abu Nasar, Email. ID.
advabunasar@gmail.comPetitioner**

Versus

- 1. Bihar Cricket Association through its Secretary, 45-C, Near Sahyog Hospital, Patliputra Colony, Patna-800013,
Email id- bca@biharcricketassociation.com**
- 2. Rakesh Kumar Tiwary, President, Bihar Cricket Association, Address-45-C, Near Sahyog Hospital, Patliputra Colony, Patna-800013.
Email Id. – president@biharcricketassociation.com**
- 3. Secretary, Bihar Cricket Association, Address-45-C, Near Sahyog Hospital, Patliputra Colony, Patna-800013,
Email id- secretary@biharcricketassociation.com**
- 4. Manish Raj, Chief Executive Officer, Bihar Cricket Association, Address-45-C, Near Sahyog Hospital, Patliputra Colony, Patna-800013.
Email. Id. ceo@biharcricketassociation.com**

.....Respondents

ORDER

Sl. No. 7

24.05.2025

Heard Learned Counsel for the Petitioner namely Mr. Abu Nasar and Learned Counsel for the Bihar Cricket Association namely Mr. Navjot Yesu.

Today the matter was fixed for final hearing. Counsel for both the parties assisted this Forum by making their submissions.

The present matter was instituted in view of email dated 02.01.2025 sent by the CEO of BCCI. The complainant / petitioner had sent a legal notice to the BCCI vide legal notice dated 29.11.2024 making certain allegations against the President of Bihar Cricket Association namely Sri Rakesh Kumar Tiwary and CEO, Mr. Manish Raj. After receipt of the legal notice, the same was sent to this Forum for adjudication. Upon this, the office of this Forum was directed to institute a case which was numbered as BCA/OMBUDSMAN CASE No.

01/2025 vide order dated 06.01.2025. In order dated 06.01.2025, office was not only directed to register a case but it was also directed to issue notice to the Complainant / Petitioner and Respondents. At the same time learned Counsel for the Complainant/Petitioner was also directed to provide the complete address along with email. I.D. and contact details of the Complainant to ascertain the genuineness of the legal notice as the signature of the Complainant / Petitioner was missing over legal notice in question, however, it had the signature of Learned Counsel Mr. Abu Nasar only. A copy of legal notice as also served upon the Respondents and the matter was adjourned for 09.01.2025.

On 09.01.2025, learned Counsel for the Complainant / Petitioner Mr. Abu Nasar and learned Counsel for the Bihar Cricket Association appeared. During course of argument learned Counsel for the Complainant / Petitioner prayed for a copy of the email sent by BCCI to this Forum. Upon this, the office of this Forum was directed to sent a soft copy of the mail to the Counsel appearing on behalf of the Complainant. It was submitted on behalf of the Respondents that since the Complaint is not in proper format so the Complainant/Petitioner may be directed to file it in a proper format. Upon this, the petitioner was given liberty to file it in proper format after serving a copy to the Respondents.

The matter was adjourned for 27.01.2025 but due to health issue the matter could not be taken up by this Forum.

Upon direction of this Forum, the Secretary to the office sent an email to all the parties on 26.04.2025 by which an information was given to all the parties about the hearing of the matter on 27.04.2025 at 02:30 P.M. Links were also sent for online hearing to all concerned.

On 27.04.2025, no one appeared for the Complainant/Petitioner whereas, Bihar Cricket Association was represented by Mr. Navjot Yesu, Advocate. It was submitted on behalf of learned Advocate for the Bihar Cricket Association that the Complainant/ Petitioner has not complied the order dated 09.01.2025 passed by this Forum despite the fact that sufficient time was with him. It was also submitted on behalf of Bihar Cricket Association that a written statement will also be filed. However, at the time of dictating the order, my office pointed out that an email has been sent by Counsel for the Complainant/Petitioner wherein he has stated the reason of non-joining of Court proceeding through online mode. Considering the email of the Counsel for the Complainant / Petitioner, the matter was adjourned for a day and was fixed for 28.04.2025 at 02:00 P.M. through online mode. Links for online hearing was sent to all the parties concerned.

On 28.04.2025, learned Counsel for the Bihar Cricket was present in time whereas, learned Counsel for the Complainant / Petitioner joined at later stage for the reason recorded in the order sheet. Again, learned Counsel for the

Complainant/Petitioner prayed for further time to comply the order dated 09.01.2025 passed by this Forum upon this, the Forum directed the Complainant / Petitioner to comply the earlier order within two days from communication of this order. The order was communicated to him on 29.04.2025 which was finally complied by the Complainant/Petitioner on 04.05.2025. In this regard, an email was also sent through which soft copy of Complaint in proper format was filed. A separate email was also sent by Mr. Abu Nasar, learned Advocate for the Complainant / Petitioner raising certain objections with regard to hearing of this matter on 04.05.2025 instead of 05.05.2025. The objection reads as under :-

Sir,

I am in receipt of the email dated 29.05.2025 which contains the order dated 27.04.2025 and 28.04.2025 passed in BCA/Ombudsman/01 of 2025 being *Yashaswi Rishav v/s BCA and others*. I wish to bring on record certain objections with regard to the contents of the orders in particular the order dated 28.04.2025.

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I am in receipt of the email dated 29.05.2025 which contains the order dated 27.04.2025 and 28.04.2025 passed in BCA/Ombudsman/01 of 2025 being Yashaswi Rishav v/s BCA and others. I wish to bring on record certain objections with regard to the contents of the orders in particular the order dated 28.04.2025.

1. It is stated that after lapse of almost three to four months, the proceeding in the matter was convened on 27.04.2025 at 02:30 p.m. being Sunday and an email with regard thereto was sent to my mail on 26.04.2025 at 09:26 p.m. Since, I was uninformed in advance about the meeting, I tried to join the same, however, I could not be allowed entry as the host was in another meeting. An email with regard thereto was sent to the Ld. Ombudsman office, after which, it appears from the order dated 28.04.2025 that the matter was adjourned to 28.04.2025.

2. I wish to also apprise this forum that since the matter was neither being listed nor any secretarial correspondence was received by me after January, 2025, I tried to connect with the then lawyer for BCA namely, Sourav Suman, for the contact details of the Secretary of the Ld. Ombudsman, however, the same was not given to me, even after assurance and reminders.

3. In this factual background, I was sent an email on 28.04.2025 at 03:02 p.m. from the Ld. Ombudsman for meeting at 06:30, which was not immediately seen by me. And, as it appears, after

the BCA was heard in length, I received a call from the office of the Ld. Ombudsman for appearance and I hastily appeared only to inform that there has been no correspondence with the office and the matter was kept uninformed for quite some time. Also, there was no reason for last minute emails for hearing in virtual mode. I was not even informed about the adjournment on 27.04.2025, it was communicated to me only on 9.04.2025 through the order-sheet sent on email.

4. After hearing my request and the objection of the BCA, it was mutually agreed to adjourn the matter for 05.05.2025 as I had requested my unavailability and inconvenience on Sundays due to travel schedules and even other-wise it is a personal difficulty to not appear in routine proceedings on Sundays. It is shocking that even after the matter was mutually agreed and adjourned for 05.05.2025 at the same time, the order dated 28.04.2025 communicated to me reads the next date of hearing for 04.05.2025 at 01:30 p.m.

5. Furthermore, judicial or quasi-judicial proceedings are formal in nature which requires presence at formal place and due preparedness. I cannot be compelled to appear on Sunday, particularly when I have requested for alternative accommodation and the same was orally agreed in the meeting.

6. In compliance with the previous order, I will file an affidavit before the scheduled time of hearing in the digital mode. I undertake to produce the hard copy of the notarised affidavit at the office of the Ld. Ombudsman, which I request be communicated to me. Furthermore, contact detail of a designated person may also be given for official correspondence.

7. And, I also request that for the convenience of parties, the final hearing of the matter may be convened in physical mode which can also be witnessed by the petitioner and necessary documents can be placed and pleaded with ease.

Upon this, the following order was passed by this forum on 04.05.2025.

Heard Learned Counsel for the Petitioner namely Mr. Abu Nasar and Learned Counsel for the Bihar Cricket Association namely Mr. Navjot Yeshu.

Learned Counsel for the petitioner Mr. Abu Nasar appeared and pointed out that earlier order passed by this Forum has been complied with as a petition on oath has been filed through email. He also submits

that a copy of the same has also been served upon learned Counsel for the Bihar Cricket Association. Besides, filing the proper Complaint in compliance of the earlier order of this Forum, he has also sent an email raising many objections and today's hearing which shall be dealt with in the final order. A bare perusal of the mail sent by learned Counsel for the Petitioner would show that he has made a prayer for physical hearing on the ground mentioned in his mail. He has also submitted that his client will also witness the proceedings.

Keeping in view the prayer made by learned Counsel for the petitioner, it is expedient in the interest of justice that his such prayer deserves to be allowed. Learned Counsel for the Petitioner is directed to remain physically present along with his client at 05:00 P.M. at Plot No. 4, Ashiyana Nagar, Phase-1, Patna-800025. In the meantime, learned Counsel for the petitioner is directed to bring the original hard copy of the petition filed by him today for the records of this Forum. It is made clear that tomorrow on 05.05.2025, no adjournment on any ground shall be given to either party. Learned Counsel for the Bihar Cricket Association is also directed to remain physically present at above mentioned place of hearing along with relevant papers and documents. In case of any difficulty, the parties are directed to contact Mr. Khursid Haider, Secretary to the Office of Ombudsman, Bihar Cricket Association (Mobile No. 9852974822).

Informed to all concerned.

That today on 05.05.2025, the matter was taken up for final hearing through physical mode at the designated place recorded in order dated 04.05.2025. As by earlier order dated 04.05.2025, this Forum had made it clear that no adjournment shall be given to any party on any ground so today Counsel for both the parties assisted this Forum and based their argument on the basis of things written in Complaint/Written Statement, etc. and also broadly discussed each and everything touching the merit of this case and agreed for final adjudication of this case.

A bare perusal of the Complaint filed on behalf of the Complainant / Petitioner would show that following prayers were made :-

- (a) For an objective, fair and impartial investigation be conducted in connection with allegations against Mr. Tiwary (President, BCA) and Mr. Raj (CEO. BCA) regarding demand for bribe and pressuring players for unethical practices.*
- (b) For needful direction be issued restraining the BCA from taking vengeful action (exclusion from state team) with further direction to*

the Selection Committee to forthwith induct him team in recognition of his rightful talent and merit.

- (c) That needful steps be also taken in adherence of the directions given by the Hon'ble Patna High Court regarding proper functioning of BCA in strict adherence of the mandate of the guiding regulation.*
- (d) Any other order that may be fit and proper in the facts of the case.*

The written statement filed on behalf of Bihar Cricket Association reads as under :-

- 1. That the Petitioner has sent one Legal Notice dated 29.11.2024 through his Ld. Lawyer to the then Secretary of BCCI and others wherein he has made some false, fabricated and concocted allegation against the President and CEO of Bihar Cricket Association.*
- 2. That the BCCI vide its letter dated 2.1.2025 has forwarded the said Legal Notice to the Office of the Hon'ble Ombudsman of Bihar Cricket Association pursuant to which BCA Ombudsman Case No-01 of 2025 was instituted and notice was issued to the Petitioner through his Ld. Lawyer.*
- 3. That certain relevant facts are required to be reproduced hereinbelow for proper adjudication of the instant case.*
- 4. That in the year 2020-21 the whole world was fighting with the Covid-Pandemic and as such all the matches and work of the entire world were put on hold.*
- 5. That during Covid-19 Pandemic, the Board of Control For Cricket in India (BCCI) has decided to conduct some tournament under their strict norms of quarantine and Bio Bubble wherein only players, coaches and support staffs who are going to play the matches have to be in Bio Bubble and no other persons or the office bearers of any State Cricket Association were allowed to meet them. Selection of the hotels were the sole discretion of the BCCI during the tournament were required to be booked by the Bihar Cricket Association and all of them were also required to follow the guidelines issued by the Government of India from time to time.*
- 6. That on 12-11-2021 the Secretary of BCCI has also written a letter through email and has made certain changes to the quarantine rules and Bio Bubble protocols which was made effective from Vijay Hazare Trophy and all other domestic tournaments conducted by the BCCI. This includes mandatory quarantine period. (Copy Enclosed).*
- 7. That further there were also Anti-Corruption Unit of BCCI and Security Services for monitoring the players and support staff of any team in all the matches organized by BCCI so that there should not be breach of Bio Bubble Norms.*

8. *That on 8.2.2022 the Chief Executive Officer of Bihar Cricket Association has written a letter by Email to the BCCI for booking an Air Ticket and for staying at Hotel for Bihar Ranji Team. The name of CEO was not in the said team and therefore he was not required to follow the guidelines of Bio Bubble. He was not having any interaction with players, coaches and support staffs at all at any point of time. It was only an official trip of Complainant. (Copy Enclosed).*
9. *That on 2.3.2022 the Chief Executive Officer of Bihar Cricket Association has written a letter by Email to the BCCI for booking an Air Ticket and for staying in Hotel at Kolkata. This was an official trip of CEO to Kolkata and he never met any of the players or coaches or support staffs at any point of time during his entire official trip. (Copy Enclosed).*
10. *That after completing the official duty, CEO returned to Patna on 4.3.2022.*
11. *That the Petitioner herein without having any valid and legal facts and knowledge and without having strict proof of evidence, is not only making false and frivolous allegations against the officials and the office bearers of BCA, rather has demean and defamed its image in the society on various social platforms on the pretext that the President and CEO by hatching a conspiracy has fixed the match against Arunachal Pradesh.*
12. *That the Chief Executive Officer of Bihar Cricket Association has never met with the President of BCA at Kolkata any point of time during his entire stay at Kolkata. In fact due to Bio Bubble BCCI norms there were absolutely no interactions with any of the players or teams or coaches or support staffs.*
13. *That CEO never talked/met with Petitioner herein at any point of time during his entire visit at Kolkata. In fact, the selection of playing teams is the sole discretion and power of the Coach, Captain and Vice Captain and Complainant never had any kind of talk/interaction with any of these persons.*
14. *That as per Rule 28 (2) A (v) of the Constitution of BCA, On tour, the Cricket Manager/Coach, Captain and Vice Captain shall constitute the Selection Committee. Therefore, making false, frivolous and concocted allegation and without understanding the basic intricacies of law that he has taken bribe and have set the players for losing match to Arunachal Pradesh and publishing the same on the social media and media as well is not only against the interest of BCA but also purely a criminal act for which the Petitioner may be banned from the game of cricket.*
15. *That 20 players and Support Staffs teams were in the Bihar Ranji Team in Kolkata and none have made any complain or made*

grievances and defamed the image of Complainant in the society and in Cricket Society. Such act cannot be tolerable.

- 16. That the Anti-Corruption Unit of BCCI was also present over there for monitoring the said matches so that there should not be any breach of any of the guidelines of BCCI and Bio Bubble and in fact they have also made any complain at any forum against anyone in the BCA.*
- 17. That under the quarantine and Bio Bubble norms made by BCCI, No person was allowed meet the players, coaches and support staffs. No one was allowed to enter on the floor of the hotel where players were staying.*
- 18. That upon receive of the Legal Notice of the Petitioner, the Office of the Hon'ble Ombudsman of Bihar Cricket Association has registered BCA Ombudsman Case No-01 of 2025 and has issued notice to the Petitioner to file a complaint in a proper format vide order dated 6.1.2025 and 9.1.2025 but till date the said orders has not been complied by the Petitioner and on the other hand has also chosen not to appear before the Hon'ble Ombudsman of Bihar Cricket Association which shows his mala fide intent.*

The matter was heard at length on 05.05.2025 through physical mode as prayed by learned Counsel for the Complainant / Petitioner in its mail dated 04.05.2025. In this mail, learned Counsel for the Complainant Petitioner had expressed that for the convenience of parties, the final hearing of the matter may be convened in physical mode which can also be witness by the petitioner and necessary documents can be placed and pleaded with ease. Upon this this forum allowed the prayer made by learned Counsel for the Complainant /Petitioner and the matter was fixed for 05:00 P.M. on 05.05.2025 through physical mode. This forum had also directed the Complainant / Petitioner to remain physically present along with his advocate but surprisingly despite his prayer and subsequent order of this Forum the petitioner did not turn up. It goes to show that the prayer made through learned Counsel for the petitioner was yet another attempt to delay the proceedings. During hearing the learned Counsel for the Complainant / Petitioner a hard copy of the Complaint with affidavit dated 03.05.2025 sworn at Modi Nagar, Ghaziabad, Uttar Pradesh. During hearing the learned Counsel for the complainant petitioner did not submitted any Valakatnama before this Forum. However, on 06.05.2024 i.e. next day of the final hearing, a mail was again received sent by learned Counsel for the petitioner by which he wrote that he is submitting the written notes of argument and digital copy of the Valakatnama. When the mail was opened by this office of this forum then it was found that no Vakalatnama is attached with the mail. Office of the forum immediately mailed to learned Counsel to the Complainant / Petitioner and requested him to check the attachments sent with the mail. After few hours, learned Counsel for the Complainant / Petitioner sent a digital copy of the

Vakalatnama duly signed by Complainant / Petitioner and the learned Counsel for the party has received the Vakalatnama on 03.05.2025. Now the question is that if learned Counsel for the Complainant petitioner had received it on 03.05.2025 itself then why it was not mentioned in its mail dated 04.05.2025, nor it was produced on 05.05.2025 before this Forum. A bare perusal of mail dated 06.05.2025 would show that the learned Counsel Mr. Abu Nasar had undertaken to furnish the Hard copy of Vakalatnama in a day or two as the same has to come from Delhi and it is in transit. Now the question is that the Complainant gets its complaint attested at Modi Nagar Ghaziabad on 03.05.2025 and the same is submitted before this Forum on 05.05.2025 but surprisingly the Vakalatnama also duly signed on 03.05.2025 by the same person could not be produced before this Forum. Even the digital copy was not in picture till 05.05.2025 but all of a sudden on 06.05.2025 it came to surface. Finally, on 12.05.2025, the Hardcopy of Vakalatnama was submitted before this Forum in the evening. The above-mentioned conduct of the learned Counsel and his client gives rise to an occasion wherein this Forum is pained to hold that the Vakalatnama was antedated, which is a very serious issue but since learned Counsel Mr. Abu Nasar is a young advocate so this forum is not referring this matter to Bihar Bar Council and Bar Council of India for disciplinary action with a warning and advise not to act like unprofessional lawyer. The learned Advocate for the Complainant Petitioner has also not disclosed the date, time and the medium through which he has received the digital copy of Vakalatnama.

A bare perusal of digital copy of the Vakalatnama one thing is clear that the learned Counsel for the Complainant Mr. Abu Nasar was appearing before this Forum on the pretext of filing it on various dates i.e. 09.01.2025, 27.04.2025 and 28.04.2025. It is another matter that even 04.05.2025 and 05.05.2025 he has failed to submit Vakalatnama claimed to have been executed on 03.05.2025. Since, Mr. Abu Nasar, learned Advocate is a young advocate so this Forum is suggesting him not to act like agent of his client, which has recently been also observed by Hon'ble Supreme Court of India. A lawyer must know his professional ethics and highest degree of high standard is expected from the learned Advocate. I hope and expect that he will maintain his professional ethics in future and will not repeat it before any other Forum / Court.

A bare perusal of the Complaint, mails and written notes of argument filed on behalf of the Complainant clearly goes to show that the Complainant / Petitioner became so restless that his father who is not party before this Forum that he started sending mails to various authorities by making unsubstantiated and baseless allegations. He even levelled allegations against Mr. Jay Sah, the then BCCI Secretary of corrupt practices. A bare perusal of the Complaint it would manifest that he has not even desisted from making such statements just to stop this forum from discharging its duties by making a submission that an LPA No. 840 of 2024 and LPA No. 906 of 2024 are pending for judgment before

Hon'ble Patna High Court. Although he has written that there is stay on the judgment passed by Hon'ble Single Judge of Patna High Court. He has all knowledge about the stay order granted by Hon'ble Patna High Court on 07.10.2024, but he is making deliberate attempt to stop this forum from passing order in this matter. This statement of the Complainant / Petitioner is contemptuous in nature as he is disrespecting the interim order dated 07.10.2024 passed by Division Bench of Hon'ble Patna High Court headed by Hon'ble Chief Justice of Patna High Court. So that, tomorrow he may be free to make allegations even against this Forum. It has been pointed out by learned Counsel for the Bihar Cricket Association that the Complainant / Petitioner is even making false allegations to social media sites which is an act of indiscipline. A bare perusal of the written notes of argument filed on behalf of Complainant / Petitioner it would show that such correspondences were made by his father and by him, which is something done by a person who had no locus standi for making such complaints.

The learned Counsel for the Bihar Cricket Association through his written statement and oral submissions has denied the allegations and has also submitted the allegations are baseless and without evidence and has been made only after the Complainant / Petitioner was not selected in team who was earlier playing in capacity of Vice-Captain of Bihar Cricket Team. Now this Forum feels that such action of the Complainant / Petitioner is unbecoming of a player who himself rose to the level of Vice-Captain of the team duly selected by same selectors has all of a sudden started making such allegations. Now the question that may arise that if the corruption was so rampant in the Bihar Cricket Association and he was playing in capacity of Vice-Captain of the team and had played many other matches, was also result of same alleged corrupt practices ? Moreover, learned Counsel for the BCA also drew the attention of this Forum that altogether seven other players had also been dropped but none of them have supported or made such allegation as alleged by the Complainant / Petitioner. Now, so far as the preliminary objections taken by the Complainant / Petitioner that since the written statement filed on behalf of Bihar Cricket Association is not on oath is concerned, it is made clear that the Bihar Cricket Association is a body corporate and its reply has been filed and has been relied upon during the course of argument and the same is binding upon them specially after the present order so this objection is not tenable.

It has further been submitted by learned Counsel for the Bihar Cricket Association that the legal notice on the basis of which the present complaint was initiated does not contained the signature of the Complainant / Petitioner so such legal notice could have been sent only through written authorization. In this regard, this Forum has already given sufficient warning to the Counsel for the Complainant / Petitioner and the same is not been repeated here.

It is further submitted the learned Counsel for the Complainant / petitioner that he is trying to obtain a No Objection Certificate from Bihar Cricket Association so that he may pursue his cricketing career in another State. Upon this the learned Counsel for the Bihar Cricket Association submitted that the Complainant / Petitioner has deliberately not chosen the correct method for obtaining the No Objection Certificate and he is now trying to take advantage of his own wrong by making yet another false allegation.

Keeping in view the submissions of the parties, this Forum is constrained to hold that Complainant / Petitioner conduct is nothing but an act of indiscipline. His acts are full of mischief, so this forum grants liberty to Bihar Cricket Association to take appropriate disciplinary action as per the Rules and Regulations of Bihar Cricket Association.

In the facts and circumstances and the arguments heard at length I find no merit in the present Complaint henceforth the same is dismissed.

With the above, order and observations, this petition stands disposed off.

Informed to all concerned.

S/d

(Nawal Kishore Singh)

Ombudsman

Bihar Cricket Association

(This order is electronically generated)