

Before Ombudsman, Bihar Cricket Association  
Raghendra Kumar Singh (Retd. District Judge)  
Incharge Ombudsman, Bihar Cricket Association  
BCA/Ombudsman/12 of 2021

Zeya Eqbal , S/o Md Mustafa, aged about 48 years R/o Hospital road, Bettiganj 2,  
Near Poonam Sinha Clinic, Bettiah, West Champaran  
Email ID- [zeyaeqball@gmail.com](mailto:zeyaeqball@gmail.com)

.....Petitioner

Versus

1. Bihar Cricket Association (BCA), 1<sup>st</sup> & 2<sup>nd</sup> Floor, Shail Raj Complex, Buddha Marg,  
P.S. Kotwali, Patna- 800001  
Email ID- [bca@biharcricicketassociation.com](mailto:bca@biharcricicketassociation.com)
2. Rakesh Kumar Tiwary, President, Bihar Cricket Association (BCA), 1<sup>st</sup> & 2<sup>nd</sup> Floor,  
Shail Raj Complex, Buddha Marg, P.S. Kotwali, Patna- 800001  
(Email ID- [president.bca.rkt@gmail.com](mailto:president.bca.rkt@gmail.com))
3. CEO (Chief Executive Officer) Bihar Cricket Association (BCA), 1<sup>st</sup> & 2<sup>nd</sup> Floor,  
Shail Raj Complex, Buddha Marg, P.S. Kotwali, Patna- 800001  
Email ID- [ceo@biharcricicketassociation.com](mailto:ceo@biharcricicketassociation.com)

.....Respondents

16.11.2021

The present petition has been filed on behalf of petitioner Mr. Zeya Eqbal, claiming himself to be acting as Secretary of West Champaran District Cricket Association(WCDCA) prior to 20<sup>th</sup> of September 2019 along with vakalatnama purported to be executed by him in favour of Miss Dewanti Kumari, Advcoate (Enrollment No. 350 of 2012, Email ID- [yadevdewnti@gmail.com](mailto:yadevdewnti@gmail.com) ). In the petition it has been averred that due to pendency of disputes regarding many District Cricket Associations in Bihar pending before the then Ombudsman, BCA, the Electoral Officer of BCA for holding election on 29.09.2019 of BCA has held vide his order dated 13.09.2019 (Annexure-1) that the Office Bearers of the District Cricket Associations in Bihar elected through elections in concern District Cricket Association and holding their respective post in the concerned District Association on 18.02.20217 would be valid for electoral list for the aforesaid election of BCA on 29.09.2019; and at present the BCA have recognized concerned District Cricket

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R. Singh

Associations as were existing on 18.02.2017 and the elections held by ineligible District Committee of the DCAs which is against the Lodha Committee's Recommendation and also contempt of the Supreme Court and the aforesaid order of the Electoral Officer is in disputes in several cases before the Courts and the Ombudsman, BCA but in no case any order has been passed so far and amongst those cases one case Muzaffarpur District Cricket Association Versus Bihar Cricket Association is pending before the Ombudsman, BCA as per order dated 27.07.2021 of the Hon'ble Patna High Court in CWJC No. 5549 of 2020 (copy of the said order of the Patna High Court is Annexure-2). It has also been averred that the Board of Control for Cricket In India(BCCI) constituted its Constitution as per report of Justice Lodha Committee approved by the Supreme Court of India and directed the State Cricket Associations to frame their respective Constitution on the same line and that was complied by the State Cricket Associations; and as per letter dated 18.02.2017 of the then Secretary, BCA all the affiliated District Cricket Associations of BCA constituted their respective Committees as per report of Lodha Committee and the tenure of such District Committee was for the maximum period of three years also as per their respective Constitution. It has also been averred that in many District, the tenure of the respective Committee of District Cricket Association are exceeding four and half years such as Madhubani, Bhagalpur and Lakhisarai, and beside it in other several Districts for eg. in West Champaran, Purnea, Sitamarhi, Munger, Bhojpur, etc. ineligible Committee of the DCAs held elections in their respective Districts, and Sri Rakesh Kumar Tiwary, the present President of BCA, as per his wish gave recognition to almost ineligible Committee of the DCAs which is against the Lodha Committee Report and contempt of the Supreme Court. It has also been averred that the list of the Full District Cricket Associations affiliated to the BCA is entered in para 3(B) of the Rules & Regulations of the BCA.

On the basis of aforesaid averments in the aforesaid petition filed by the petitioner it has been prayed that after calling of lists of all the 38 District Cricket Associations of Bihar, the name of its Office Bearers, their tenure, date of their elections, and their respective Predecessor Committee of the DCAs, the name of Office Bearers of such Predecessor Committee, their tenure, date of their election and the proceeding book of concerned DCA and verifying them, hold free and fair election in Judicial Supervision and to stop ineligible Office Bearers of the DCA to act further.

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R.K.

Today an interim application (I.A) along with annexures including the list of the Office Bearers of 38 District Cricket Associations of Bihar affiliated with Bihar Cricket Association(BCA) purported to be exhibited on website of BCA has been filed on behalf of the petitioner having given an illustration of Samastipur District Cricket Association where it has been declared to hold election of the Office Bearers of said DCA on 20.11.2021 and for that purpose voter list has been published with wrong and incorrect name of the office bearers of the clubs affiliated to said DCA with an example of Kranti Cricket Club and it has been prayed in the said I.A. that the election amongst 38 Districts where the election have become due to expiry of the stipulated term of the Office Bearer as per Rules and Regulations of the concerned DCAs should be conducted as per Lodha Committee Report approved by the Hon'ble Apex Court and till the arrangement for said purpose is made the elections which are going to be held or scheduled to be held or contemplated to be held in near future should be stayed.

Heard Dewanti Kumari, advocate for the petitioner and Sri Navjot Yesu, advocate for the respondent on video linkage on google meet. Sri Navjot Yesu advocate for the respondent sought an adjournment to file reply and the details sought to be furnished vide order dated 05.11.2021 passed by me in the present case. Heard the aforesaid two counsels on the aforesaid IA and during the course of hearing Sri Navjot Yesu advocate admitted that the term of the office bearers of the many DCAs in Bihar has expired and there are reports that the committee of management of concerned DCAs consisting of its office bearers whose term have expired are contemplating to held election for concerned DCAs and also manipulating voter lists to gain unfairly in the election which have to be held and in that circumstance example of Samastipur DCA has been given by the petitioner to which Sri Navjot Yesu advocate for the respondent also does not controvert and impliedly admitted the same to be correct to some extent.


Fair and impartial election in any democratic set up is bone of democratic process and any jerk to the said process would lead to real purpose of democratic purpose and in view of the allegation made in the petition and its implied admission by the respondent during course of the hearing of the I.A. it appears to be just and proper to stall election process which are going to be held in near future or being contemplated to be held in near future. Consequently, the election which are going to be held in near future or contemplated to be held in near future in any DCAs of Bihar would

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RS: [Signature]

not be held till further order and this order be circulated by the respondent to all the DCAs in Bihar/its office bearers and also to upload this order on the website of the Bihar Cricket Association with caption describing the gist of the present order to comply the same by the concerned in every DCA with further direction to them to get any person aggrieved with the said stay or would have to be aggrieved if the prayers in the main petition are allowed by said decision on said prayer will be at liberty to get them impleaded in the present case by making application(s) for the said purpose before me in the present case.

Put up on 10.12.2021 for filing reply affidavit and the detail asked to be furnished vide order dated 05.11.2021 and for further proceeding.

  
(Raghendra Kumar Singh)

In-charge Ombudsman

Bihar Cricket Association

**Copy to:**

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3. Rakesh Kumar Tiwary, President, Bihar Cricket Association (BCA), 1<sup>st</sup> & 2<sup>nd</sup> Floor, Shail Raj Complex, Buddha Marg, P.S. Kotwali, Patna- 800001

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