

Before Ombudsman, Bihar Cricket Association
Raghwendra 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, Bettiaganj
2, Near Poonam Sinha Clinic, Bettiah, West Champaran

Email ID- zeyaeqbal1@gmail.com

.....Petitioner

Versus

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

.....Respondents

AND

BCA/Ombudsman/13 of 2021

Abhinav Kumar S/o Sushil Kumar Tiwary R/o Punjabi Colony, Gali No. 01,
Dharampur, P.O. & P.S & District Samastipur, claiming himself to be President
of Ekta Cricket Club, Samastipur.

.....Petitioner

Versus

1. Bihar Cricket Association (BCA), 1st & 2nd Floor, Shail Raj Complex, Buddha Marg, P.S. Kotwali, Patna- 800001, Email ID- bca@biharcricicketassociation.com
2. Samstipur District Cricket Association, through Secretary/ Acting Secretary
Samastipur, Bihar.

(wtd.)
Rising

3. Samstipur District Cricket Association, through President, Samastipur, Bihar.
4. Ajay Shankar Singh, S/o Late Uma Shankar Singh, R/o Iimas Nagar Chawk, Near Central Bank Of India, P.O. & P.S & District Samastipur, claiming him to be the President, SDCA. Pin 848101.
5. Sonu Kumar Jha, S/o Ras Bihari Jha, R/o Kalyani Pursaulia, Madubani, P.O. & P.S & District Madhubani. Pin-847226, claiming him to be Secretary SDCA.
Email ID- raj.airc@yahoo.co.in
6. Himanshu Shekhar, R/o R/o Punjabi Colony, Gali No. 01, Dharampur, P.O. & P.S & District Samastipur, Pin-848101, claiming him to be Vice-President of SDCA
7. Rakesh Kumar, S/o Sri Rajeshwar Sah, R/o Sari, Ward No.13, Sari Warisnagar,, P.O. & P.S & District Samastipur, Pin-848101, claiming him to be Treasurer of SDCA
Contact-877740179

.....Respondents

AND

BCA/Ombudsman/14 of 2021

Kali Charan, claiming himself to be Honorary Secretary, Madhubani District Cricket Association R/o Vina Kunja, Station HPO Road, Madhubani-847211
Contact-9472801666,7004826755

.....Petitioner

Versus

1. Bihar Cricket Association (BCA), 1st & 2nd Floor, Shail Raj Complex, Buddha Marg, P.S. Kotwali, Patna- 800001, Email ID- bca@biharcricquetassociation.com
2. Prof. Vimal Kumar Singh claimed to be president, Madhubani District Cricket, Association, Bhupnarayan Singh Colony, Madhubani-847211, Contact Details- 7004450031
3. Ashok Kumar claimed to be Vice-President, Madhubani District Cricket Association, Sagarpur, PO & PS- Pandaul, Madhubani-847239
4. Pankaj Rathour claimed to be Joint Secretary, Madhubani District Cricket

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Association, Jaynagar, PO & PS Jaynagar, Madhubani-847226, Contact Details- 9097442244

5. Ajit Kumar Chaudhary claimed to be Treasurer, Madhubani District Cricket Association, Rudrapur(Audhrathadi), PO & PS- Rudrapur, Madhubani-847411, Contact Details- 7004542157

13.04.2022

The petition in Ombud 12 of 2021, 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 20th of September 2019 along with vakalatnama purported to be executed by him in favour of Miss Dewanti Kumari, Advocate (Enrollment No. 350 of 2012, Email ID- 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 concerned District Cricket Association and holding their respective post in the concerned District Association on 18.02.2017 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 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 Recommendations are 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 being of 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

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Rising

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 Districts, the tenures of the respective Committees of District Cricket Associations 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 Hon'ble 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 the 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 after verifying them, hold free and fair election in Judicial Supervision and to stop ineligible Office Bearers of the DCA to act further.

It is also pertinent to mention that in Ombud 12 of 2021 on 16.11.2021 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 was 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.

After hearing the advocate for the petitioner in Ombud 12 of 2021 and also the advocate for the BCA in that case on the aforesaid IA and during the course of hearing Sri Navjot Yeshu advocate for the BCA 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 had been given by the petitioner to which Sri Navjot Yeshu advocate for the respondent also did not controvert and impliedly admitted the same to be correct to some extent.

In Ombud 13 of 2021 the petition was filed by the petitioner to injunct the respondents no. 2 to 7 of that case from holding election for choosing Office Bearers of Samastipur DCA scheduled for 20.11.2021 on the ground of malpractices and including several irregular and fake cricket clubs in voter list prepared in haste for holding said election, to audit the expenses during 2014-15 till 2019-20, to appoint adhoc committee for SCDA to conduct transparent and fair election of the office bearers of the SDCA as the term of present office bearers of the said SDCA has already expired much earlier and for any other relief/reliefs which this tribunal finds fit in the circumstances of the case.

Considering the aforesaid facts of pleadings in Ombud 12 of 2021 and Ombud 13 of 2021 the said two cases were ordered to be heard analogously vide order dated 18.11.2021 passed in Ombud 13 of 2021.

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R. Singh

Thereafter, Sri Kali Charan, the petitioner in Ombud 14 of 2021 filed an application in respect of Madhubani DCA stating therein that as per Lodha Committee report and recommendations approved by the Hon'ble Supreme Court of India the tenure of the any committee of cricket could be only upto three years and after expiry of the same, the same could not function after the said tenure of three years, and as such he as Secretary of the Madhubani DCA informing the same in respect of Madhubani District Cricket Association for constituting adhoc committee of said DCA, and as such said petition having numbered as Ombud 14 of 2021 was taken analogously on 10.12.2021 along with Ombud 12 of 2021 and Ombud 13 of 2021 as the main matter in all these three cases are common.

In view of the averments made in the petition of Ombud 12 of 2021, the respondent BCA in that case were directed to furnish the details of all the 38 DCAs of Bihar with clear averment as to the constitution of existing committees of each DCA with name of the office bearers of such committee along with the term of their tenure, the name of the office bearer of the previous committee of each DCAs and their tenure, and in response to the same the BCA has filed its reply on affidavit stating therein that prior to the order dated 16.11.2021 passed in Ombud 12 of 2021, a three member committee was constituted by the BCA consisting of Mr. Sanjay Kumar Singh, Chairman, Tournament Committee, as its Chairman and Mr. Krishna Murari Prasad, advocate Patna High Court, Mr. Badal Kumar, Secretary, Saharsa District Cricket Association as its member for verification of the documents of the DCAs, and as per order dated 16.11.2021 passed in said case, the copy of the said order was uploaded on the official website of the BCA asking all the 38 DCAs recognized by the BCA to furnish their present status. It is also averred in the said reply that due to illegal acts and involvement in anti association activities and rules and regulations of BCA by office bearers of Darbhanga DCA an explanation was sought from said office bearers and due to non satisfactory reply by them a Cricket Operation Committee for Darbhanga DCA has already been constituted consisting of Sri Hemant Jha, as its Chairman, Sri Pawan Singh as its conveynor, Sri Dinesh Rai as its member. In the reply it has further been averred that in Gaya DCA, the election of the

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office bearer was held on 21.03.2021 but due to the reports of the Observer deputed by the BCA for said election and of the Electoral Officer appointed by said DCA to the effect that in several manner illegalities committed by said DCA in holding the said election with request to not legalize the said election a three member Cricket Operation Committee was constituted by the BCA for Gaya DCA consisting of Mr. Mastar Pulashkar as its Chairman, Mr. Sanjay Kumar Singh as its Convener and Mr. Devesh Anand as its Member; and the reports of the Electoral Officer and of the Observer have been annexed as Annexure-A to the reply. It is further stated in the reply that so far in the Districts of Siwan, Samastipur and East Champaran election processes are going on in the DCAs of said Districts but by virtue of stay order dated 16.11.2021 in Ombud 12 of 2021 the election processes in these Districts have been stayed. It is further averred in the reply that so far as DCAs of Muzaffarpur, Begusarai, Purnea, Supaul, Katihar, Bettiah, Arwal, Buxar, Bhojpur, Sitamarhi, Sheikhpura and Vaishali Districts the election in these DCAs had already been held under the supervision of the Observers appointed by the BCA. In the reply it has been further averred that so far the DCAs of Kaimur, Aurangabad, Sasaram, Lakhisarai, Kishanganj, Saharsa, Saran, Sheohar, Araria and Bhagalpur, the Committees of these DCAs were already working and the tenure of the Committees of these DCAs have already expired but they are still working beyond the period of three years. Further, in the reply, it has been averred so far as Patna DCA is concerned the dispute is already pending before the present forum of Ombudsman being Ombud 09 & 11 of 2021. Further, it is averred that so far as DCAs of Gopalganj, Jamui and Munger District is concerned, these DCAs have already been asked to submit a detailed report as regards to their respective status but till the date of filing of reply they have not responded to the same for which reminders have already been sent to these DCAs, and the moment BCA receive the same it would be supplied. Further, it is averred that so far as DCAs of Nalanda and Nawada are concerned, there is no dispute in these DCAs and the election of its office bearers is still due. It is further pertinent to mention here that so far the District of Kishanganj is concerned the present Committee is functional as per the report of the three member committee.

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R Singh

Further it is submitted in the reply that in the aforesaid circumstances, it is pertinent to mention here that a three member committee as aforesaid has already been constituted prior to said order dated 16.11.2021; so looking into the present situation and in the interest of the fair play, said Committee (consisting of aforesaid Mr. Sanjay Kumar Singh, Mr. Krishna Murari Prasad and Mr. Badal Kumar) may be directed to verify the entire records of the entire districts and submit an actual status report with regard to the status of the DCAs of the 38 districts and submit an actual status report with regard to the status of the each such DCA within a reasonable period of time so that the majesty of the rules and regulations of the BCA so framed should be upheld. Along with the reply, the detailed reports which have been submitted to the BCA pursuant to the aforesaid direction of this forum of Ombudsman by different DCAs have been enclosed as Annexure-B to the reply affidavit i.e., of Gaya (by Cricket Operation Committee), Muzaffarpur, Sheohar, Vaishali, Bhojpur (Ara), Buxar, Saran, Begusarai and Siwan.

The aforesaid reply affidavit of BCA in toto were uploaded on the website of BCA as per order dated 07.01.2022 passed in these three proceedings for information to all the concerned to file any objection by any concerned to the aforesaid averments made in the reply but no objection to the aforesaid reply of the BCA has been filed by anyone.

As in all the above cases the matter is that in many different District Cricket Associations (including Samastipur and Madhubani) that the term of the elected Committee of Management of such DCAs have completed much earlier but they are still functioning and some of them are still contemplating to hold election arbitrarily and unfairly, though, they have no authority to hold the election after expiry of their term and as such in such District Cricket Associations (DCAs) adhoc committee should be constituted to look into their respective activities including to hold election fairly and in proper ways and as such all the aforesaid cases have been taken together for hearing.

Sri Subir Chandra Mishra on 07.01.2022 appeared in person as a representative of Madhubani District Cricket Association along with authorization

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R.K. Singh

letter purported to be signed by Sri Vimal Kumar Singh, Sri Ashok Kumar, Pankaj Rathour, Ajit Kumar Chaudhary as President, Vice President, Joint Secretary and Treasurer respectively of Madhubani DCA in Ombud 12 of 2021 and filed objection in said case. He also appeared for the respondents in Ombud 14 of 2021. Sri Neeraj Singh (claiming himself to be the Authorized Representative of Sitamarhi DCA) and Sri Gyan Prakash (claiming himself to be the Secretary of Sitamarhi DCA) appeared in person on that date and also filed objection in Ombud 12 of 2021. Sri Sonu Kumar Jha (claiming himself to be the Secretary of Samastipur DCA) also appeared in person on that date and also filed objection in Ombud 12 of 2021. Sri Vinay Kumar Singh (claiming himself to be Secretary Buxar DCA) also appeared in person on that date and also filed objection in Ombud 12 of 2021. Sri Vinit Kumar Roy (claiming himself to be Secretary Bhojpur DCA) also appeared in person on that date and also filed objection in Ombud 12 of 2021.

Separate Counter affidavits have been filed on 07.01.2022 by defendant nos. 2, 3, 4 and 5 respectively in Ombud 14 of 2021. Smt. Dewanti, advocate appeared on that date for the petitioner in Ombud 12 of 2021 and Ombud 14 of 2021, Sri Kali Charan the petitioner in Ombud 14 of 2021 also appeared in person on that date.

Sri Navjot Yesu. Advocate for the BCA appeared in all the aforesaid cases through virtual mode on 07.01.2022. Copy of the Reply of BCA in Omb. 12 of 2021 dated 07.01.2022 received by Smt. Dewanti, advocate for the petitioner in that case in Omb 12 of 2021 on 07.01.2022.

Sri Chaitanya Krishna, advocate for the petitioner in Ombud 13 of 2021 also appeared through virtual mode on 07.01.2022.

Heard Sri Neeraj Singh, Sri Subir Chandra Mishra, Sri Sonu Kumar Jha, on their respective objections in Ombud 12 of 2021 on 07.01.2022.

On 15.01.2022 I heard Sri Uma Prasad, Senior Advocate assisted by Sushri Dewanti Kumar, Advocate for the petitioner in Ombud 12 of 2021 and said Sushri Dewanti Kumari, advocate for the petitioner in Ombud 14 of 2021. On that date aforesaid Sri Subir Chandra Mishra, Sri Pankaj Rathour, Sri Ajit Kumar Chaudhary,

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R. Singh

Sri Vinit Kumar Roy, Sri Vinay Kumar Singh, Sri Neeraj Singh were also heard as intervenors in Ombud 12 of 2021 or first three of them for the respondent in Ombud 14 of 2021. Aforesaid hearing on 15.01.2022 were heard virtually on google meet and as the arguments of all the sides were conclusive on that date, the matter in the aforesaid three cases was reserved for final order and in that consonance today order is being passed disposing all the aforesaid three cases.

The contents of the separate written submissions made by Vinay Kumar Singh claiming himself to be Secretary, Buxar DCA, Sri Vinit Kumar Rai, claiming himself to be Secretary, Bhojpur DCA, Sri Gyan Prakash, claiming himself to be Secretary, Sitamarhi DCA and Sri Subir Chandra Mishra claiming himself to be authorized representative of Madhubani DCA as intervenors in Omb 12 of 2021 are same.

In the aforesaid submissions submitted by the aforesaid persons as intervenors in Ombud 12 of 2021 after narrating the averments made in the petition by the petitioner Zeya Eqbal in Ombud 12 of 2021 it has been prayed to consider the following :

"1.

(a) Status of the petitioner in reference to Rule 45 be ascertained first.

(b) The petition seems to be of PIL nature and hence, no jurisdiction of this Tribunal.

(c) The petitioner is challenging the voter list of the election held on 29.09.2019, hence, it

is an Election Matter.

(d) The petition seems to be of a Proxy nature also and or 'Personal Interest Litigation. Praying for relief/relief/s not meant for petitioner i.e., Petitioner does not seem to be affected with the circumstances prevailing in other DCAs than the West Champaran DCA.

2.

(a) The matters pending in regard to the eligibility of the DCAs with the then

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Rajesh

Ombudsman may be reopened, if found fit by your good office.

However, the matter was pending since long, hence, infructuous. (Please refer to Rule 45.7) Buxar District Cricket Association pleads to withdraw its petition pending before the then Ombudsman, since the correction, relief and justice has already been meted out.

(b) As mentioned by the petitioner himself, the aforesaid order of the Electoral Officer is under challenge before several courts, and also before the Ombudsman.

In the circumstances, the petition regarding disputes of Election, may kindly be lodged with appropriate forum and in the court of the Ombudsman.

3. The petitioner has mentioned about the dates of letter of the then Secretary and thereafter the date of the order passed by the Hon'ble Supreme Court regarding the constitution to be adopted by the BCCI, SCAs. The order of the Hon'ble Supreme Court as recommended by the Lodha Committee was passed and delivered on 9th of August, 2018, thus, the claims and facts presented by the petitioner is totally Misleading, False and with malice intention. Its a petition /matter supported with false and misleading information trying to lead this tribunal with mala fide intention and vested interest.

4. The dates mentioned by the petitioner of the order passed by the Hon'ble Supreme Court is false, concocted and misleading. Hence, the question of the constitution prepared and adopted by the respective DCAs is out of place. Even if, it was in accordance with complying the order/letter dated 18.02.2017 of the then Secretary, BCA; How and What Constitution was prepared and adopted by the respective DCAs, when the order in this regard was passed by the Hon'ble Supreme Court on 9th of August, 2018 itself. Moreover, it should also be known that Constitution of BCA, including all other State Cricket Association was prepared only after 9th of August 2018 when the order was passed by the Hon'ble Supreme Court. The date of preparation/adoption of BCA's Constitution may also kindly be checked, verified and ascertained. The question is how and why the DCAs should prepare and adopt constitution as recommended by the order passed by the Hon'ble Supreme Court

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Raj

before 9th of August, 2018.

In the circumstances, when the Hon'ble Supreme Court passed its order on 9th of August, 2018 and directions were made to the BCCI and other SCAs regarding preparation of their Rules & Regulations, how DCAs in Bihar are instructed vide letter of the then Secretary dated 18.02.2017 to fall in line beforehand. This point of submission is astonishing and totally misleading.

5. Please refer to Rule 45.7 of BCA Rules & Regulations, even if the matter was brought before the then Ombudsman and it was not decided by the good office within 90 days, the matter may be treated as infructuous and all the decision/resolution of the Committee of Management of the BCA including its office bearers in that particular matter, shall cease. However, the matter of the DCAs and its Voter List was settled and decided by the Electoral Officers, firstly, Mr. H.C. Sirohi after many sittings and hearing and thereafter, Mrs. Meera Pandey. Even Three Member Committee, thus, Constituted by the COM for the purpose of resolving the matter of DCAs duly confirmed by the General body of the BCA, also decided the matter after hearing the claimants. The Report of the Three Member Committee was then presented and discussed in the General Body Meeting of the BCA and after due diligence, it was resolved and confirmed finally.

6. The relief and other reliefs prayed before this Tribunal by the petitioner in BCA/Ombudsman 12 of 2021, is not the subject matter of this good office. How a person claiming to be acting as Secretary of West Champaran DCA is affected with the voter list, procedure of election and or the activities conducted by other DCAs. The election procedure, voter list and other activities of BCCI, SCAs and likewise DCAs are governed by its owned/adopted Rules & Regulations, by the decision of its committee and by majority decision of its members in General Body Meeting/s and not by someone who is not its member and or stakeholder by any means.

It is further prayed

1. Thus, the matter in the petition BCA/Ombudsman/12 of 2021 is not maintainable before this court.

2. That the allegation/s made in this petition regarding eligibility of Buxar District Cricket Association is baseless, without any proof, misleading and out of place.
3. That no any notice have been served to Buxar District Cricket Association in this regard.
4. That your lordship may kindly recall and or pass an order as deem fit, regarding the order/s passed by your good office in context of BCA/Ombudsman/12 of 2021.
5. That this is an interim prayer submitted in this regard and if required, Buxar DCA reserves its right to submit further prayers and facts before your good office.
6. That the under signatory being a simple citizen, is not adopted to the legal norms, protocol and other decorum of this good office, hence, humbly pray to be pardoned for any mistake made unintentionally." (as per written submissions made by aforesaid Sri Vinay Kumar Singh).

That in the written submission submitted by Sri Vinit Kumar Rai in clauses 2 and 3 of the aforesaid written submission of Sri Vinay Kumar Singh the words "Buxar District Cricket Association" has been substituted by the words "Bhojpur District Cricket Association"; and in the same way by the words "Madhubani District Cricket Association" in the written submission submitted by Sri Subir Chandra Mishra; and by the words "Sitamarhi District Cricket Association" in the written submission of Mr. Gyan Prakash.

In reply to the objection made on behalf of Buxar DCA, Bhojpur DCA, Madhubani DCA, Sitamarhi DCA rejoinder has been filed on behalf of the petitioner Zeya Eqbal in Ombud 12 of 2021 stating therein that the petitioner in that case has only sought for implementation of the recommendation of the Justice Lodha Committee approved by Hon'ble Supreme Court by its judgment dated 18.07.2016 and its allied other orders in the whole State of Bihar in its true letter and spirit and this tribunal of Ombudsman has ample power to grant the relief prayed by the petitioner to implement that recommendations approved by Hon'ble Supreme Court under Rule 45 of the BCA Rules and Regulations. It has also been averred in the said rejoinder that the validity and genuineness of Sitamarhi DCA is presently a subject matter of adjudication before the Hon'ble High Court and as such Sri Niraj Singh

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R Singh

could not be said that he is authorized representative of said DCA. It has also been averred in the said rejoinder that there is no question of service of notice to the different DCA and all the DCAs have been mailed about the averments and reliefs made in the petition of the petitioner Zeya Equabal in Ombud 12 of 2021 along with the order dated 16.11.2021 and as such, it has been argued by the counsel of the said petitioner that opportunity has already been given to all the concerned to plead their view on the averments and reliefs made in that case. It has also been averred in the said rejoinder that so far as the locus of the petitioner (in Ombud 12 of 2021) to maintain the petition from the averments made in the petition it is crystal clear that the validity and genuineness of the Committee of the DCA is the subject matter of the adjudication by the Ombudsman from long before and same is still pending; and even otherwise, any order passed by the Hon'ble Supreme Court becomes law of the land and is binding even to every citizen of the country as narrated under Article 141 of the Constitution of India and the petitioner is before this tribunal only for implementation of said order of the Hon'ble Supreme Court and the constructive and harmonious interpretation of BCA rules and regulations clearly mandate this tribunal to entertain and decide this instant application so as to make sure as to whether the said Hon'ble Supreme Court's order/Justice Lodha Committee recommendation has strictly been adhered to/complied with or not. It has also been pleaded in the rejoinder that this tribunal may get all such issues including digging out the true and genuine voters of the different DCAs examined by a three men committee, already existing with the BCA as disclosed by the respondent BCA and for that purpose this tribunal should give direction to the BCA to appoint superannuated judicial officers as observer only whenever occasion of the election of office bearers of the District Units comes into play.

The question as regards to the objection to the entertainment of the application and the jurisdiction of the tribunal decide the same is taken first for determination.

Under Rule 45(1)(b) any detriment caused by a member (all the DCAs of Bihar are members of the BCA) may be referred to the Ombudsman and then the Ombudsman pass the appropriate order after giving opportunity of hearing to the parties and under Rule 45(1)(c) of the BCA Rules and Regulations in the event of any complaint being received from any quarter or based on any report published or circulated or on its own motion may also be referred to the Ombudsman after doing some formalities mentioned in the said sub-rules. But in my opinion the aforesaid formalities if have not been done would not render the jurisdiction of the Ombudsman invalid. The BCA in its reply have almost accepted all the averments made in the petition of the petitioner in Ombud 12 of 2021. As per Rule 5(a)(v), 5(a)(vi) and 5(a)(vii) of BCA Rules and Regulations, the membership shall be terminated if any such member violate the condition mentioned in the aforesaid sub-rules. Justice Lodha Committee recommendation was firstly approved by the Hon'ble Supreme Court by its order dated 18.07.2016 in Civil Appeal No. 4235 of 2016 and thereafter, vide judgment dated 09.08.2018 in the said Civil Appeal some modification in the Justice Lodha Committee recommendations were approved and as such the objection as regards to the date of approval of the Justice Lodha Committee recommendations raised on behalf of the intervenors is not tenable. The intervenors have also pleaded that Justice Lodha Committee recommendations are not applicable to the District Units. According to the aforesaid Rule 5(a)(v), 5(a)(vi) and 5(a)(vii), membership of any member of the BCA may be terminated if that member is not adhering to the direction of the BCA, by acting against the interest of cricket by violating any provision of the Rules and Regulations of BCA and any other rules and regulations formulated by the BCA. In view of the recommendation of Justice Lodha Committee the then Secretary of the BCA vide his letter dated 18.02.2017 directed all the DCAs to adhere the recommendation of said Justice Lodha Committee and then the Committees so framed in District Units as per direction of the then Secretary were only held to be eligible for voting by the Electoral Officer of the BCA in the election of the BCA going to be held on 29.09.2019 and the said order of the Electoral Officer has not been held to be illegal up till now though there is a matter before me in that

regard but until the decision is taken against the said order of the Electoral Officer the same is binding on everyone concerned with cricketing activities in Bihar, and as per the Justice Lodha Committee recommendation the term of such committee would be only up to three years. As per decision dated 10.11.2020 of the Hon'ble Ombudsman of the Andhra Cricket Association in case no. 05 of 2020 before the Ombudsman, Andhra Cricket Association, Justice Lodha Committee recommendations are applicable to the District Units also, and no other contrary decision have been brought to my notice by any of the intervenors therefore, the objection raised on behalf of the intervenors regarding non applicability of the recommendation of Justice Lodha Committee to the District Units is not tenable. Accordingly, the continuance of the Committee of any District Unit (member) of the BCA beyond the tenure of three years is illegal and after expiry of said tenure such committee could not take any decision regarding cricketing in such unit. Here it is also pertinent to mention that if any direction of the BCA is not complied by any District Unit of the BCA, such District Unit would be liable to be terminated from the membership of the BCA, and, therefore, if the direction given by the then secretary of BCA vide his letter dated 18.02.2017 has not been complied by any District Unit then such District Unit would have been terminated from the Membership and in the aforesaid election of the BCA held on 29.09.2019 only the committees of the District Units constituted as per the aforesaid letter of the then secretary of the BCA were held to be eligible for voting in the said election by the Electoral Officer of the BCA. Therefore, the contention against the said letter and its compliance is not tenable as the Justice Lodha Committee recommendations were approved firstly on 18.07.2016 giving direction to the said Committee to get the same to be implemented by all the concerned and only by judgment dated 09.08.2018 some modifications were made in the said recommendations.

Fair election in every democratic set up is backbone of democracy and any detriment to fair election should be rooted out. It has been alleged by the petitioner that most of the DCAs, the term of which managing committees have expired are manipulating their voter lists by their respective office bearers in the

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going to be held or contemplated to be held in near future and this manipulation should be rooted out through verification of the same by the BCA by forming an independent committee for the said purpose in which a retired judicial officer should be an observer and I found force in this contention of the petitioner.

I have already expressed earlier herein above that the committees of any such District Units which term have expired, should not be permitted to act and go further in the matter of cricketing and its allied matters including holding of election in such District Units, it appears that election of the officer bearers in such District Units should be done fairly without any manipulation and rigging in the process of said election and for that purpose the election in such Units should be done under the supervision of an independent authority. For the same it is interest of justice and fair play I direct the BCA to form a Committee including a retired Judicial Officer (nominated in consultation with Ombudsman) as its member and the said committee shall function under the supervision of such retired judicial officer who would be to included in the committee to verify the voter list of each of such District Units and after its verification to form an ad hoc committee for each of such District Units from the officer bearers of the clubs affiliated to each of such District Units which would be found genuine and eligible on such verification and then to hold election under observance of the person appointed by the BCA amongst whom one must be a retired Judicial Officer/retired Bihar Administrative Service Officer, and, therefore, the BCA is directed to do so as observed above within next three months.

As the matter in respect of Samastipur DCA and Madhubani DCA is also covered with the matter in Ombud 12 of 2021, as the terms of the committees of these DCAs have expired, there are also allegations of manipulation in the voter list of these two DCAs, the aforesaid order and direction would also cover for these two DCAs and there is no need to go further in detail in respect of these two DCAs.

The remuneration of such retired Judicial Officer/retired Bihar

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Administrative Service Officer would be borne by the BCA.

This order would not apply to the Patna DCA as in respect of that DCA matter is separately pending before me in Ombud 9 and 11 of 2021.

The CEO of the BCA is directed to upload this order on the website of the BCA.

R Singh
(Raghwendra Kumar Singh)
In-charge Ombudsman
Bihar Cricket Association

Copy to:

1. Mr. Zeya Eqbal
Email ID- zeyaeqbal1@gmail.com
2. Bihar Cricket Association (BCA), 1st & 2nd Floor, Shail Raj Complex, Buddha Marg, P.S. Kotwali, Patna- 800001
Email ID- bca@biharcricicketassociation.com
3. Rakesh Kumar Tiwary, President, Bihar Cricket Association (BCA), 1st & 2nd Floor, Shail Raj Complex, Buddha Marg, P.S. Kotwali, Patna- 800001
(Email ID- president.bca.rkt@gmail.com)
4. CEO (Chief Executive Officer) Bihar Cricket Association (BCA), 1st & 2nd Floor, Shail Raj Complex, Buddha Marg, P.S. Kotwali, Patna- 800001
Email ID- ceo@biharcricicketassociation.com
5. Sri Navjot Yesu, Advocate
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6. Miss Dewanti Kumari, advoacte
Email ID- yadevdewnti@gmail.com
7. Sri Chaitanya Krishna, Advocate
(Email ID- namechangeapatna@gmail.com)
8. Ajay Shankar Singh, S/o Late Uma Shankar Singh, R/o Iimas Nagar Chawk, Near

(contd.)
R Singh

Central Bank Of India, P.O. & P.S & District Samastipur, claiming him to be the President, SDCA. Pin 848101.

9. Sonu Kumar Jha, S/o Ras Bihari Jha, R/o Kalyani Pursaulia, Madhubani, P.O. & P.S & District Madhubani. Pin-847226, claiming him to be Secretary SDCA.

Email ID- raj.airc@yahoo.co.in

sdcasamastipur@gmail.com

10. Himanshu Shekhar, R/o R/o Punjabi Colony, Gali No. 01, Dharampur, P.O. & P.S & District Samastipur, Pin-848101, claiming him to be Vice-President of SDCA

11. Rakesh Kumar, S/o Sri Rajeshwar Sah, R/o Sari, Ward No.13, Sari Warisnagar,, P.O. & P.S & District Samastipur, Pin-848101, claiming him to be Treasurer of SDCA

Contact – 8877740179

12. Prof. Vimal Kumar Singh claimed to be president, Madhubani District Cricket

Association, Bhupnarayan Singh Colony, Madhubani-847211

Contact Details- 7004450031

Email: vimalkumar.singh12@gmail.com

13. Ashok Kumar claimed to be Vice-President, Madhubani District Cricket

Association, Sagarpur, PO & PS- Pandaul, Madhubani-847239

Contact details: 8873765501

Email: ashoky8873@gmail.com

14. Pankaj Rathour claimed to be Joint Secretary, Madhubani District Cricket

Association, Jaynagar, PO & PS Jaynagar, Madhubani-847226

Contact Details- 9097442244

Email: pankajsinghrthod000@gmail.com

15. Ajit Kumar Chaudhary claimed to be Treasurer, Madhubani District Cricket

Association, Rudrapur(Audhrathadi), PO & PS- Rudrapur, Madhubani-847411

Contact Details- 7004542157

Email: chaudharyajit@gmail.com

16. Kali Charan, claiming himself to be Honorary Secretary, Madhubani District Cricket

Association R/o Vina Kunja, Station HPO Road, Madhubani-847211

Contact Details- 9472801666, 7004826755

17. Sri Subir Chandra Mishra

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18. Sri Pankaj Chaudhary, advocate

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19. Sri Neeraj Singh

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21. Sri Vinit Kumar Rai

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22. Sri Vinay Kumar Singh

Email: vinaysingh9504@gmail.com

B. Singh