

BEFORE THE HON'BLE MR. JUSTICE DEEPAK GUPTA
FORMER JUDGE, SUPREME COURT OF INDIA
OMBUDSMAN, BIHAR CRICKET ASSOCIATION

IN THE MATTER OF:

Mr. Zishan Ul Yaquin

...Complainant

Versus

Bihar Cricket Association & Ors.

...Respondents

Appearance

For Complainant No.5

Mr. Ahmad Ibrahim, Adv.

Mr. Zishan Ul Yaquin, Complainant

For Respondents

Mr. Neeraj Gupta, Senior Advocate

Mr. Abhishek Goel, Advocate

Mr. Manish Raj. CEO (BCA)

ORDER DATED 13 AUGUST 2026

1. The Complainant, Mr. Zishan Ul Yaquin, is a former cricketer who represented Bihar, Jharkhand and East Zone in various formats of cricket for more than 15 years. The Complainant retired from all formats of cricket in the year 2005.
2. After his retirement, the Complainant continued to serve the game of cricket, particularly Bihar cricket, in various capacities. In the Annual General Meeting held in the year 2019, the Complainant was appointed as Chairman of the Senior Selection Committee of the Bihar Cricket Association.

3. The Indian Cricketers' Association ("ICA"), is a recognised body which is authorised to nominate former cricketers to the Governing Councils/Apex Bodies to the BCCI and the State Cricket Associations. The ICA nominated the Complainant as its Representative-Nominee to the Governing Council of the Bihar Cricket Association for the term 2026–2027 vide email dated 10.01.2026.
4. The BCA, by its communication dated 30.03.2026 (**Annexure A-4**), informed the ICA that Mr. Zishan Ul Yaquin stood suspended for a period of six years pursuant to the resolution passed at the Special General Meeting of the BCA. The communication stated that the decision had been taken in consonance with the order passed by the Ethics Officer/Ombudsman and that the SGM had also taken into account the multiple prior disciplinary proceedings against the Complainant.
5. The BCA accordingly requested the ICA to nominate another person in place of Mr. Zishan Ul Yaquin as the Player Representative on the Governing Council.
6. Aggrieved by the aforesaid action of the BCA, the Complainant has approached this Forum by filing the present complain. The complaint has made various prayers but this authority issued notice to the respondents in respect of prayers (a), (b), (c) and (d) vide order dated 04.07.2026. The said prayers read as follows:

(a) Declare that there exists no lawful suspension, debarment, disqualification, or ineligibility against the Complainant preventing him from being nominated/inducted as ICA Representative to the Governing Council of the BCA;

(b) Direct the BCA and its office bearers to forthwith recognise and give effect to the nomination of the Complainant as ICA Representative to the Governing Council of the BCA;

(c) Direct the BCA to produce the complete records of the SGM dated 14.02.2026, including notice, agenda, minutes, resolution, attendance register, video recording, and all documents relied upon for the alleged suspension;

(d) Direct the BCA to refrain from making vague, defamatory, and unsupported allegations against the Complainant, including allegations of “habitual misconduct” or “multiple prior disciplinary proceedings”, unless supported by a valid order passed after due process;

10. The case of the Complainant is that the BCA was not justified in rejecting his nomination as the Representative Nominee of ICA to the Governing Council of BCA. On the other hand, according to the Respondent, the Complainant is unfit to hold such office since he has been suspended by the BCA for 6 years.
11. Arguments on the application were heard on 06 August 2026 and order was reserved.
12. In support of its case, the first document relied upon by the Respondent is the order dated 15.05.2021 (**Annexure R-2**) passed by the Ethics Officer in EO-01/02 of 2020.
13. The Ethics Officer upheld the allegation that Mr. Sanjay Kumar, as Secretary of the BCA, had influenced the selectors for replacement of players so as to facilitate inclusion of his son, Mr. Shivam S. Kumar, in the fifteen-player squad for the Vijay Hazare Trophy in 2019. The operative portion of the order reads as follows:

“Accordingly, the Respondent No.3 Sri Sanjay Kumar being Secretary of the BCA having influenced the Respondent No. 4 to 6 as Selectors hatched a conspiracy with them to include his son Sri Shivam S Kumar in 15 players squad of Vijay Hazare Trophy in the year 2019 and thus,

he along with Respondent No. 4 to 6 is held guilty of Conflict of Interest and accordingly direct that he be removed from the post of Secretary, BCA and he is also debarred from taking his involvement with the game of Cricket for a period of one year from today.”

14. The Respondent has also relied upon the order dated 01.03.2022 (**Annexure R-1**) passed by the then Ombudsman in BCA/OMBUD-01 & 02 of 2022. This order, arises out of two complaints filed against the complainant. The said proceedings were filed against Mr. Sanjay Kumar Singh and Mr. Zishan Ul Yaquin. In the said order, the then Ombudsman noted the earlier order dated 15.05.2021 and recorded that the Complainant had been held guilty. The relevant portion of the order reads:

“The copy of the order dated 15.05.2021 passed in EO/01-02 of 2020, in which Mr. Zisan-Ul-Yaquin has been held guilty, has been supplemented with the main petition in each of the aforesaid present both cases; from which it is evident that said Mr. Zisan-Ul-Yaquin was held guilty as stated in the aforesaid both cases and therefore, it prima-facie appears that as per Rule 45(5) of the BCA Rules and Regulations he is not fit person to act as Coach of Bihar Ranji Trophy Team 2021-22 and therefore he is restrained to act as such Coach till further order which would be passed after hearing the Opposite Parties on the aforesaid matter.”

A bare perusal shows that it was an interim order whereby the complainant had been restrained to act as coach till further order. Admittedly no order was passed thereafter.

22. The Respondent also relies on the resolution dated 14.02.2026 adopted in a Special General Meeting of the Bihar Cricket Association (**Annexure R-3**). One of the matters placed before the meeting concerned the nomination of the ICA representative to the Governing Council which is as follows:

“Extract of the Special General Meeting of the Bihar Cricket Association held on 14.02.2026 at Hotel Golden Sunrise, Patliputra Colony, Patna

Agenda-3: To Discuss and Decide the Matter of Nomination by ICA for Governing Council Representative

Resolution: A member naming Zeeshan Ul Yaquin has been nominated by the Indian Cricketers Association (ICA) as the Player Representative on the “Governing Council” under the constitution and regulations applicable to the Bihar Cricket Association (BCA) and “Governing Council”.

It was brought to the notice of the members that multiple disciplinary orders/actions have been issued by the CA Ethics Officer/Ombudsman against Mr. Zeeshan Ul Yaquin, which are already published on the official Bihar Cricket Association website under the Ombudsman/Ethics Officer section.

These include (Ref. case numbers typically published therein):

BCA/EO/01-02 of 2020

BCA EO/03-04 of 2020

BCA/OMBUD/01 & 02 of 2022.

Concerns were raised that the currently nominated representative (Mr. Zeeshan Ul Yaquin) has been involved in multiple governance complaints and disciplinary matters, and does not meet the expected conduct standards for a representative.

The grievance includes, claim of habitual offending and participation in actions alleged to be anti-association.

Full members perceive these factors as potentially undermining the integrity of the governing structure and representative function on the “Governing Council”.

It was unanimously resolved that to authorise Mr. Manish Raj, CEO, to write to ICA and apprise them with the resolution of this house that Mr. Zishan Ul Yaquin is suspended for a period of Six Years. Therefore, to nominate another person in place of Mr. Zeeshan Ul Yaquin was player Representative on “Governing Council”.

This is to certify that the above is the True copy of the resolution dated 14.02.2026 of the SGM.”

18. The stand of the Complainant is that he was not held guilty by the Ethics Officer in the order dated 15.05.2021. According to

the Complainant, only Mr. Sanjay Singh was held guilty, and a penalty of suspension for one year was imposed upon him. No penalty whatsoever was imposed upon the Complainant.

19. The Complainant also submits that he had filed a preliminary reply as well as a detailed reply in BCA/OMBUD-01 & 02 of 2022. The record also contains various emails sent by the Complainant thereafter, including emails dated 08.03.2022, 10.03.2022, 12.03.2022, 15.03.2022, 24.03.2022, 09.05.2022 and 20.05.2022 I **(Annexure A-11)**.

20. The Complainant urges that despite filing reply and email he was not given any hearing.

21. The Complainant has also referred to the minutes of the Annual General Meeting and the meeting of the meeting of the Committee of Management held on 09.10.2021 **(Annexure A-6)**. In this meeting, under *Any Other Item* at item No. 4 it was unanimously resolved that no prohibition or restriction would remain in force against the Complainant. The relevant portion of the resolution reads as follows:

“MINUTES OF THE COMMITTEE OF MANAGEMENT MEETING

Date: 09 October 2021

Place: 46, Patliputra Colony, Patna

Time: From 1:00 P.M.

Attendance: As per the attendance register

Chair:

The meeting of the Committee of Management was chaired by the Hon'ble President, Shri Rakesh Kumar Tiwari.

Quorum:

After ensuring that the requisite members were present/participating in the meeting, the meeting was commenced. With the consent of all members present/participating, the notice convening the Committee of

Management meeting, which had already been circulated to all members, was again placed on record for discussion.

Conduct of the Meeting:

The meeting was conducted by the Hon'ble President, Shri Rakesh Kumar Tiwari. At the commencement of the meeting, the Hon'ble President welcomed all the members present/participating and apprised them of the present status of the Bihar Cricket Association.

Xxxxx

5. Any other item with the permission of the Chair

4. Removal of the restriction imposed upon the former Selection Committee members and Shri Zia/Zeeya Ul Yaquin

The BCA Committee of Management Member (Men's Player Representative), Shri Amikar Dayal, placed before the Committee, with the permission of the President, the matter concerning removal of the restriction imposed upon the members of the former BCA Selection Committee, including the Chairman, Shri Zia/Zeeya Ul Yaquin.

Decision:

*After discussion, the members decided that, since they were senior players of Bihar cricket, the restriction imposed upon them should be removed by giving them a warning. The decision to remove the restriction was taken subject to the advice of the Hon'ble Acting Ombudsman-cum-Ethics Officer. **(Translated)***

22. It is also not in dispute that thereafter the BCA appointed the Complainant as Head Coach of the Bihar Senior Men's Ranji Trophy Team and executed a formal service agreement dated 09.02.2022 **(Annexure A-8)** with him.

SUBMISSIONS ON BEHALF OF THE COMPLAINANT

27. Mr. Ahmad Ibrahim, learned Counsel for the Complainant, submitted that in the first order dated 15.05.2021 passed by the

Ethics Officer, the person found responsible was Mr. Sanjay Kumar, then Secretary of the BCA.

28. Learned Counsel submitted that though the order referred to the Complainant and other selectors, the penalty of removal from the post of Secretary and suspension for one year was imposed upon Mr. Sanjay Kumar only. Learned Counsel further submitted that the Committee of Management, in its meeting dated 09.10.2021, had thereafter unanimously resolved that no prohibition or restriction would remain in force against the Complainant. He was only warned.
29. Learned Counsel submitted that the order dated 01.03.2022 was an ex-parte order passed against the Complainant in relation to his functioning as Coach. He submitted that the Complainant had filed his preliminary and detailed replies and had thereafter repeatedly requested that the matter be heard.
30. He also submitted that the Complainant had addressed emails dated 08.03.2022, 10.03.2022, 12.03.2022, 15.03.2022, 24.03.2022, 09.05.2022 and 20.05.2022, but the matter was not taken up.
31. He further submitted that the action of the Respondents in suspending the Complainant for a period of six years by resolution dated 14.02.2026 was vindictive and disproportionate.
32. Learned Counsel submitted that even if it be assumed that the Complainant was held guilty in the earlier proceedings, it was beyond comprehension why a six-year suspension should now be

imposed upon him, particularly when the punishment imposed upon Mr. Sanjay Singh, who is the main culprit was suspension for only one year. Thereafter he was again included in the management of the BCA.

33. He further submitted that the Complainant was subsequently appointed Head Coach and the BCA itself executed a service agreement dated 09.02.2022 with him, which showed that the BCA had not treated him as permanently disqualified.

34. Learned Senior Counsel submitted that no notice, show-cause notice or effective opportunity of hearing was given to the Complainant before the six-year suspension was imposed.

SUBMISSIONS ON BEHALF OF THE RESPONDENT

36. Mr. Neeraj Gupta, learned Senior Counsel appearing for the Respondent/BCA, submitted that the BCA is fully empowered to take disciplinary action against persons associated with the Association and that, keeping in view the earlier orders passed by the Ethics Officer/Ombudsman, the BCA was justified in suspending the Complainant.

37. Learned Senior Counsel submitted that the judgment dated 15.05.2021 and the order dated 01.03.2022 contained serious adverse findings against the Complainant and that the BCA was entitled to take the same into account while considering his eligibility to act as the ICA Representative.

38. Learned Senior Counsel submitted that the resolution dated 14.02.2026 was passed by the competent body of the BCA after consideration of the relevant material and was therefore valid.
39. He further submitted that, insofar as the proceedings before the Ethics Officer/Ombudsman were concerned, the matter had already been dealt with and no further action could be taken after 15.05.202 because there were disputes relating to the appointment of ombudsman itself.
40. Learned Senior Counsel therefore submitted that the complaint deserved to be dismissed.

REJOINDER

41. In rejoinder, learned Counsel for the Complainant submitted that the dispute with regard to the Ombudsman proceedings arose only after 2023 and questioned why the matter had not been proceeded with earlier if the BCA considered the Complainant liable for further disciplinary action.

FINDINGS OF THE OMBUDSMAN:

42. I have given my careful consideration to the submissions made by learned counsel for the parties and the material placed on record.
43. On a perusal of the order dated 01.03.2022 passed in BCA/OMBUD-01 & 02 of 2022, I find that this order does not specifically record a finding that the Complainant was guilty of

any independent act of misconduct. However, from the said order, it is clear that Mr. Sanjay Kumar, being the Secretary of the BCA, had influenced the selectors to include his son in the fifteen-player squad for the Vijay Hazare Trophy. The complaint was the Chairman of the Selection Committee.

44. While passing the said order, the Ethics Officer/Ombudsman did not give any clear-cut finding against the Complainant, the other selectors or against the Head Coach. Even if the case of the BCA is taken at its highest, it would only mean that the Complainant, along with the other selectors, was influenced by Mr. Sanjay Kumar for inclusion of Mr. Sanjay Kumar's Son in the fifteen-player squad for the Vijay Hazare Trophy.

45. It would also be pertinent to mention that the BCA thereafter appointed the Complainant as Coach of the Bihar Ranji Trophy Team for the year 2021-22 and subsequently entered into a service agreement dated 09.02.2022 with him. The Committee of management vide resolution 09.10.2021 had let off the complainant with a warning.

46. Coming to the order dated 01.03.2022, I may, at the outset, observe that the Ethics Officer/Ombudsman who passed the said order was the same person who had passed the earlier order dated 25.05.2021. Two complaints were before the then Ombudsman. In those proceedings, the Ombudsman formed a prima facie view that the Complainant was not a fit person to act as Coach of the Bihar Ranji Trophy Team and, therefore, restrained him from acting as Coach until further orders.

47. It is apparent that the resolution of the Committee of Management/General Body dated 09.10.2021, whereby the Complainant was let off with a warning and no prohibition or restriction was imposed against him, was not placed before the Ombudsman when the order dated 01.03.2022 was passed.
48. No material has been placed on record by the BCA to show what action, if any, was taken against the other selectors who were allegedly influenced by Mr. Sanjay Kumar. If, according to the BCA, all the selectors were guilty of having been influenced by Mr. Sanjay Kumar, appropriate action ought to have been taken against all of them, and not only against the Complainant.
49. It is a well-settled principle of legal jurisprudence that no person can be given two penalties for the same misconduct. I am constrained to observe that the order passed by the then Ombudsman restraining the Complainant from functioning as Coach, particularly when the subsequent resolution dated 09.10.2021 was not brought to his notice, cannot be treated as a proper and final adjudication of the matter.
50. Be that as it may, the then Ombudsman ought to have taken the matter up for hearing, especially when the Complainant had sent various emails requesting that the matter be taken up. The record shows emails dated 08.03.2022, 10.03.2022, 12.03.2022, 15.03.2022, 24.03.2022, 09.05.2022 and 20.05.2022. No matter can be permitted to continue indefinitely. Without commenting further on the two orders dated 15.05.2021 and 01.03.2022, I direct that BCA/OMBUD-01 of 2022 and BCA/OMBUD-02 of 2022 be listed before me for final hearing. The office of the Ombudsman is directed to issue notice to the Parties in both cases.

Hearing in these two cases shall be held on 26 October 2026 at 11 am through video-conferencing.

51. In any event, the order dated 01.03.2022 has run its course. The said order merely restrained the Complainant from functioning as Coach. Since the period for which the Complainant was appointed as Coach has already expired, the said order has ceased to have any relevance or operative effect.

52. As far as the resolution dated 14.02.2026 is concerned, I am constrained to observe that the said resolution smacks of vendetta and vindictiveness. The resolution was passed on 14.02.2026, whereas the Complainant had been nominated by the ICA as its Representative Nominee to the Governing Council of the BCA on 20.06.2026. It is, therefore, apparent that the said resolution was passed only with a view to thwart the nomination of the Complainant.

53. It is shocking that though the matter was taken up more than 3 years after the two orders relied upon by the BCA were passed no notice was issued to the complainant.

54. The BCA itself, while passing the resolution, took note of the fact that multiple disciplinary orders had earlier been passed by the BCA Ethics Officer/Ombudsman against the Complainant. The three matters relied upon by the BCA essentially arise out of the same underlying issue, namely, the allegation that Mr. Sanjay Singh had influenced the Complainant and the other selectors. Therefore it is only one matter and not multiple matters as projected by BCA.

55. As held by me above, the order dated 01.03.2022 had already run its course in relation to the Complainant's functioning as Coach of the Bihar Cricket Ranji Trophy Team.

56. The main culprit, Mr. Sanjay Kumar, was given a penalty of suspension for a period of one year, whereas the Complainant has now been subjected to a suspension for a period of six years. This is wholly disproportionate.

57. In fact, the present action has resulted in the Complainant being subjected to repeated penalties:

First, there was warning given to the complainant in the meeting of CEO resolution dated 09.10.2021.

Secondly, the order restraining him from functioning as Coach; and

Thirdly, the present six-year suspension, which has the direct effect of preventing him from functioning as the ICA nominee to the Governing Council.

Such action is totally unjustified. A person cannot be punished thrice for the same misconduct.

58. The BCA has also not placed on record any fresh misconduct committed by the Complainant in 2026 which could independently justify the imposition of a six-year suspension. The BCA's communication to the ICA itself states that the six-year suspension was pursuant to the SGM resolution and was taken in continuation of and in consonance with the earlier order of the Ethics Officer/Ombudsman.

59. It is clear to me that the resolution dated 14.02.2026 was passed with a view to stall the Complainant from joining the Governing Council as the ICA nominee. In the facts and circumstances of the case, I am constrained to hold that the said resolution was mala fide, wholly illegal and unsustainable.
60. In view of the above discussion, I hold that the suspension of the Complainant by the BCA for a period of six years is wholly illegal and unsustainable. The resolution dated 14.02.2026 is accordingly set aside.
61. The BCA is directed to ensure that the Complainant is included in the Governing Council of the BCA as the nominee of the ICA within one week from the receipt of this order.
62. Keeping in view the manner in which the suspension order has been passed, I hold that the hearing fee of Rs.1,00,000/- shall be borne only by the BCA, which it shall remit to the account of the OMBUDSMAN account within one week from the receipt of this order.
63. The BCA is directed to upload a copy of this order on its website.



JUSTICE DEEPAK GUPTA
OMBUDSMAN
BIHAR CRICKET ASSOCIATION