

अति आवश्यक सुचना

बिहार क्रिकेट एसोसिएशन से सम्बंधित माननीय पूर्ण सदस्य/जिला संघ, प्लेयर, मैच ओम्फिशियल, हीत धारकों को सूचित करना है कि बीसीए से निष्काषित एवं कुछ अन्य अवांछित तत्व, पिछले कुछ दिनों से CWJC 1020 ऑफ़ 2023 में पारित माननीय पटना उच्च न्यायालय के आदेश की गलत, भ्रामक एवं अपने मन से विवेचना करते हुए तथा निबंधन विभाग के एक पदाधिकारी के द्वारा निर्गतपत्र संख्या 425, दिनांक 08.06.2023 को आधार बना कर बिहार क्रिकेट एसोसिएशन में चुनाव करने/ कराने की बात फैला रहे हैं।

महोदय, स्पष्ट करना है कि CWJC 1020 ऑफ़ 2023 में पारित माननीय पटना उच्च न्यायालय के आदेश में “पटना के जिलाधिकारी को I. G., निबंधन द्वारा दिए गए जांच का रिपोर्ट 45 दिनों के अंदर समर्पित करने के आदेश के साथ वाद संख्या CWJC 1020 ऑफ़ 2023 को dispose off करने का आदेश है साथ ही पटना के जिलाधिकारी को यह भी आदेश है कि अगर, जांच रिपोर्ट इस आदेश के पूर्व समर्पित किया जा चुका है तो यह आदेश प्रभावी नहीं माना जाये” (प्रदर्श-1)

सनद रहे कि यह माननीय पटना उच्च न्यायालय के आदेश की बिलकुल भ्रामक व्याख्या है जो सिर्फ अपने निहित स्वार्थ के लिए माननीय उच्च न्यायालय की अवमानना भी है।

माननीय पटना उच्च न्यायालय, या किसी अन्य न्यायालय अथवा विधि सम्मत रूप से गठित किसी प्राधिकार या ट्रिब्यूनल ने बिहार क्रिकेट एसोसिएशन के किसी पद पर चुनाव करने/कराने के लिए कोई भी आदेश नहीं दिया है। वस्तुतः बिहार क्रिकेट एसोसिएशन के कुछ विरोधी तत्व अपने षडयंत्र के तहत विभिन्न हथकंडे अपना रहे हैं और सोशल मीडिया पर भ्रामक प्रचार-प्रसार कर दिग्भ्रमित करने का प्रयास कर रहे हैं।

जैसा कि पहले भी सूचित किया जा चुका है, पुनः स्मृत करना है कि बिहार क्रिकेट एसोसिएशन का एकमात्र अधिकृत वेबसाइट www.biharcricetassociation.com है –(प्रदर्श-2)। कुछ षडयंत्रकारियों ने इससे मिलता जुलता वेबसाइट भी बनाया हुआ है, अनधिकृत रूप से तथाकथित लोकपाल का भी हवाला देते रहे हैं, चुनाव अधिकारी के नियुक्ति की भी बात फैला रहे हैं। आप भली भाँती जानते हैं कि बिहार क्रिकेट एसोसिएशन का चुनाव 25 सितम्बर, 2022 को संपन्न हुआ तथा माननीय सर्वोच्च न्यायालय के आदेश पर इस चुनाव के परिणाम /निर्वाचित पदाधिकारियों की घोषणा दिनांक 03.10.2022 को हुआ- (प्रदर्श-3)। उस चुनाव में निर्वाचित सचिव श्री अमित कुमार को संघ विरोधी तथा अन्य आरोपों की वजह से प्रबंधन समिति के दिनांक 30.12.2022 की बैठक के निर्णय के अनुसार निलंबित करते हुए, उनके कार्यों पर रोक लगाते हुए बीसीए की संयुक्त सचिव को सचिव का प्रभार दे दिया गया। इसी मामले की सुनवाई करते हुए तत्कालीन लोकपाल श्री राघवेन्द्र कुमार सिंह ने दिनांक 18.01.2023 के अपने अंतरिम आदेश में श्री अमित कुमार के स्थान पर सचिव का दायित्व सुश्री प्रिया कुमारी, संयुक्त सचिव को देने का आदेश पारित किया था –(प्रदर्श-4)। तत्कालीन माननीय लोकपाल श्री राघवेन्द्र कुमार सिंह ने बीसीए के आम सभा के निर्णय के आलोक में माननीय लोकपाल के पद पर श्री नवल किशोर सिंह की नियुक्ति के बाद लिखित रूप से अपना कार्य-भार उन्हें सौंपते हुए उनके लिए शुभकामनायें भी दीं –(प्रदर्श-5)। माननीय लोकपाल श्री नवल किशोर सिंह ने श्री अमित कुमार (सचिव के कार्य से रोके गए) मामले की आगे की सुनवाई जारी रखी और दिनांक 30.05.2023 के अपने आदेश में श्री अमित कुमार के विरुद्ध बीसीए के निर्णय को सही पाते हुए उन्हें सचिव के दायित्व से पूर्ण रूप से मुक्त करते हुए बीसीए को 45 दिनों के अंदर उक्त पद पर चुनाव कराने का आदेश पारित कर दिया तथा 30 दिसम्बर, 2022 से आदेश की तारीख तक उनके द्वारा किये गए सभी कृत्यों को NULL & VOID घोषित कर दिया- (प्रदर्श-6)। बीसीए ने आदेश के अनुपालन में अविलम्ब करवाई प्रारंभ कर दी है। ज्ञातव्य है कि श्री अमित कुमार ने अलग- अलग न्यायालय में विभिन्न वाद दायर कर रखा है, लेकिन, अभी तक किसी माननीय न्यायालय अथवा विधि सम्मत रूप से गठित किसी ट्रिब्यूनल या सक्षम प्राधिकार ने उन्हें सचिव के रूप में मान्यता नहीं दी है।

अतः, श्री अमित कुमार (बर्खास्त सचिव) या उनसे सम्बंधित किसी व्यक्ति के षड्यंत्र पूर्ण कृत्यों से बिहार क्रिकेट एसोसिएशन से सम्बंधित माननीय पूर्ण सदस्य/जिला संघ, प्लेयर, मैच ओफिशियल, हीत धारक अपने को अलग रखें। उनके या उनके लोगों द्वारा दुष्प्रचारित सूचना/बैठक/चुनाव या किसी अन्य गतिविधि का पूर्व की तरह वहिष्कार करें और किसी संशय की स्थिति में बिहार क्रिकेट एसोसिएशन के सक्षम पदाधिकारियों/अधिकारियों और अधिकृत वेबसाइट से संपर्क करें।

उपरोक्त प्रदर्शों के आधार पर स्पष्ट है कि बिहार क्रिकेट एसोसिएशन के सचिव या किसी अन्य पद पर श्री अमित कुमार नामक व्यक्ति कार्यरत नहीं हैं, अतः उनके किसी कृत्य को बीसीए का अधिकृत कार्य नहीं माना जा सकता।

बिहार क्रिकेट एसोसिएशन के माननीय लोकपाल-सह-नैतिक पदाधिकारी के रूप में श्री नवल किशोर सिंह कार्यरत हैं, उनके अलावा कोई भी अन्य व्यक्ति बीसीए की आमसभा से इस पद पर कभी भी नियुक्त नहीं हुआ है, अतः उनके किसी आदेश/निर्देश के अनुपालन करने के लिए बिहार क्रिकेट एसोसिएशन या इससे सम्बद्ध कोई जिला संघ या व्यक्ति बाध्यकारी नहीं है।

बिहार क्रिकेट एसोसिएशन के चुनाव पदाधिकारी के रूप में डॉ मोहम्मद मुदस्सिर नियुक्त हुए थे और दिनांक 25 सितम्बर, 2022 को संपन्न हुए चुनाव के परिणाम की घोषणा माननीय सर्वोच्च न्यायालय के आदेश पर 3 अक्टूबर, 2022 को प्रकाशित किया गया। डॉ मुहम्मद मुदस्सिर के अलावा किसी दुसरे चुनाव पदाधिकारी की अधिसूचना बिहार क्रिकेट एसोसिएशन ने जारी नहीं किया है, अतः किसी दुसरे व्यक्ति के चुनाव अधिकारी के रूप में कार्यरत होने क अ कोई औचित्य नहीं है।

-बिहार क्रिकेट एसोसिएशन द्वारा जारी

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1020 of 2023

Om Prakash Tiwari S/o Muneshwar Tiwari, R/o Shreya Ward No. 1, Gopalganj, Manikpur, Gopalganj, Bihar - 841428 and presently resides at 501, Deep Leela Complex, Vindhyawashni Street Kadam Kuan, Patna, Bihar - 800003.

... .. Petitioner/s

Versus

1. The Board of Control for Cricket in India through its Secretary 4th Floor, Cricket Center, Wankhede Stadium D Road, Church Gate, Mumbai, Maharashtra - 400020.
2. The Secretary Board of Control for Cricket in India, 4th Floor, Cricket Center, Wankhede Stadium D Road, Churchgate, Mumbai, Maharashtra - 400020.
3. The CEO, through its Secretary Bihar Cricket Association, Raj Complex, Shail, Budh Marg, Patna, Bihar - 800001.
4. The Secretary, Bihar Cricket Association, Raj Complex, Shail, Budh Marg, Patna, Bihar - 800001.
5. The Electoral Officer, Bihar Cricket Association, Raj Complex, Shail, Budh Marg, Patna, Bihar - 800001.
6. The State of Bihar through the Inspector General, Prohibition, Excise and Registration, Government of Bihar.
7. The Assistant Inspector General, Prohibition, Excise and Registration, Government of Bihar.
8. The District Magistrate, Patna.
9. The Additional Collector, Patna.
10. The District Co-operating Officer, Patna.
11. The District Sports Officer, Patna.
12. Rakesh Kr. Tiwary, S/o Suresh Tiwary, President, Bihar Cricket Association, Shailraj Complex, Budh Marg, Patna.
13. Dilip Singh S/o Not Known, Vice President, Bihar Cricket Association, Shailraj Complex, Budh Marg, Patna.
14. Ashutosh Nandan Singh, Treasurer, Bihar Cricket Association, Shilraj Complex, Budh Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amit Srivastava, Sr. Advocate
	:	Mr. Girish Pandey, Advocate
	:	Mr. Aryan Sinha, Advocate
For the Respondent/s	:	Mr. Kumar Manish, SC-5
	:	Mr. Rayan Srivastava, Advocate
	:	Mr. Raju Giri, Advocate
For the B.C.A.	:	Mr. Santosh Kumar Mishra, Advocate
	:	Mr. Harsh Vardhan, Advocate



: Mr. Raju Giri, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

Date : 25-04-2023

Heard learned Senior Counsel for the petitioner Shri Amit Shrivastava and learned counsel for the respondents.

The learned Senior Counsel, at the outset, submits that he is confining his relief to Para 1 (B) (vi) of the writ application. The learned Senior Counsel submits that the present writ application has been filed seeking a direction upon the District Magistrate, Patna i.e. respondent no. 8 to conclude the enquiry as directed by the Inspector General, Prohibition, Excise and Registration, Government of Bihar relating to illegality committed in Bihar Cricket Association Election as contained in Annexure 8.

The learned Senior Counsel submits that presently he is not pressing the writ application on merit and the petitioner would be satisfied in the event if a direction is issued to the District Magistrate, Patna to conclude the enquiry as directed by the A.I.G. Registration *vide* his letter No. 890 dated 29.09.2022 within a time frame.

The learned counsel for the respondents submits that the relief which the petitioner is claiming in the present writ application was also agitated before the Hon'ble Supreme Court in



Civil Appeal No. 4235 of 2014 and the Hon'ble Supreme Court by order dated 30.09.2022 had come to a considered conclusion that any dispute relating to the election can be pursued by adopting suitable remedies as are open in law, accordingly, liberty was granted to the applicants to seek their remedies as available in law for challenging the outcome of the elections.

The learned counsel for the respondents further submits that in terms of the order of the Hon'ble Supreme Court the only remedy which the petitioner or any aggrieved person has with respect to the outcome of the election is to file an election petition before the learned Trial Court of competent jurisdiction.

The learned Senior Counsel rebuts the submission of the learned counsel for the respondents and submits that Rule 18 of the Bihar Societies Registration Rules, 2018 mandates that in the event of any dispute arising out of the existence of two rivals Governing and/or executive bodies for being a rightful Managing body of the society, then, the I.G. can ask the District Magistrate to enquire himself or through one of his subordinate officers and to submit a report, inviting all the rival bodies and hear the matter in person and cause re-election of the Governing and/or Executive body to be done in presence of an Observer appointed by the I.G., Registration.



Based on the findings from the aforementioned steps, the IG shall pass suitable order adjudicating the matter.

The learned Senior Counsel thus submits that the dispute basically arises out of an election and the parties are disputing the constitution of the governing body, as such, a complaint was made before the I.G., Registration who accordingly directed the District Magistrate, Patna to hold an enquiry and to submit a report. The said direction was in terms of Rule 18 of the Bihar Societies Registration Rules, 2018.

Be that as it may, the writ application is disposed of with a direction to the District Magistrate, Patna to conclude the enquiry as directed by the Inspector General, Prohibition, Excise and Registration, Government of Bihar within a period of forty-five days from the date of receipt/production of a copy of this order.

This order will be applicable only if the enquiry has not been concluded till now.

(Satyavrat Verma, J)

Adnan/Kundan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.04.2023
Transmission Date	



3	Gujrat Cricket Association	http://www.gujratcricketassociation.com/page/association	<i>Vide</i> email dated 09-August-17, Gujarat CA has provided the link for voters / non-voters along with their respective District cricket association. Also provided link for an updated list of Executive Members & AGM Members on the website.	Not Provided, but uploaded on respective website as stated in email	
4	Mumbai Cricket Association	http://www.mumbaicricket.com/mca/clubs.php	<i>Vide</i> email dated 09-August-2017 Mumbai CA has provided a link for the Voting and Non-Voting Members. The membership- Total Members 349 is categorized as: A) Patron His Excellency The Governor of Maharashtra (1), B) Ordinary Members (325)- (Maidan Clubs (211) office clubs (77) Schools /colleges (37), C) Associate Members (23) - (Maidan Clubs (19) office clubs (04) Schools /colleges (0).	List of Ordinary clubs 325 provided	List of
CENTRAL ZONE					
1	Madhya Pradesh Cricket Association	Not provided	<i>Vide</i> email dated 09-August-2017 MPCA has provided: 1. List of Voting and Non-Voting members 2. Voting Members are divided into 3 categories: A) Individual Persons (Life Members) 229, B) Institutional Members (41), C) Honorary Life Members (0)	List of 229 out of 232 Life members and 41 Institutional members provided. (Subject to conditions)	List 021
2	Railway Sports Promotion Board	www.indianrailways.gov.in	<i>Vide</i> email and letter dated 14-August-2017, RSPB has provided a list of members who have voting right in General Body Meetings (32)	Provided list of 32 members	
3	Uttar Pradesh Cricket Association	www.upca.tv Vide email and letter dated 08-August-2017, UPCA has stated that Updated list of Members will be put up on website & link will be provided to COA	<i>Vide</i> email and letter dated 08-August-2017 UPCA has stated that as per the Association's constitution, all the Affiliated District Associations & Life members have voting rights in the General Body Meetings of UPCA. The total number of voting members is 68.	Provided List of Affiliated District Associations (37) & List of Life Members (31)	Vi da UP cor mer
4	Vidarbha Cricket Association	www.vca.co.in	<i>Vide</i> email dated 03-August-2017, VCA has provided details of VCA Life Members and Affiliated Clubs (58). Both the Life Members and the Affiliated Clubs have voting rights.	Provided list of Life Members and Affiliated Clubs	
ASSOCIATE MEMBERS					
1	Bihar Cricket Association	https://biharcricketassociation.com/district-association	<i>Vide</i> email dated 08-August-2017, Bihar Cricket Association has informed that only the District Cricket Association remains as their full/constituent member. Only the President (or in his/her absence the Honorary Secretary) of the respective district association has the voting rights. There are 38 district cricket associations in Bihar Cricket Association.	Not Provided, but uploaded on respective website as stated in email	
2	Manipur Cricket Association	http://manipurcricket.com/	<i>Vide</i> email dated 08-August-2017 Manipur CA has provided: 1. List of full members having voting rights provided (19) 2. List of the Associate members who do not have voting rights (6). Please note names of individual members not provided	List of 19 Member Clubs/Associations/units provided	I Club
3	Sikkim Cricket Association	www.sikkimcricket.com	<i>Vide</i> email dated 08-August-2017 Sikkim CA states that the list of Executive members and AGM members of Sikkim Cricket Association uploaded on website	Not Provided	
AFFILIATE MEMBERS					
1	Meghalaya Cricket Association	Vide, email dated 08-August-2017 stated that they shall launch their website by last week of August 2017 and upload all information accordingly.	<i>Vide</i> email dated 08-August-2017, Meghalaya CA has provided: 1. Permanent Member District Associations affiliated to Meghalaya CA who have voting rights. (8) 2.	List of 8 Associations Affiliated to Meghalaya CA	As As

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ITEM NO.51

COURT NO.2

SECTION III

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.4235/2014

THE BOARD OF CONTROL FOR CRICKET IN INDIA

Appellant(s)

VERSUS

CRICKET ASSOCIATION OF BIHAR & ORS.

Respondent(s)

(With IA No.133365/2022 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 133364/2022 - INTERVENTION/IMPLEADMENT)

Date : **23-09-2022** These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE HIMA KOHLI

Mr. Maninder Singh, Sr. Adv. (A.C.)
Mr. Prabhas Bajaj, Adv.
Mr. Pranav Saigal, Adv.
Mr. Sridhar Potaraju, Adv.

For Appellant(s)

M/s. Lawyer S Knit & Co.

Mr. Senthil Jagadeesan, AOR

Mr. Abhishek Singh, AOR

Mr. Nirnimesh Dube, AOR

For Respondent(s)

Mr. Anupam Lal Das, Sr. Adv.
Mr. Sukant Vikram, Adv.
Mr. Rajesh Kumar Singh, Adv.

Mr. Ritu Raj, Adv.

Ms. Shelly Singh, Adv.

Mr. A.N.S. Nadkarni, Sr. Adv.

Mr. Ravindra Kumar, Sr. Adv.

Mr. Santosh Mishra, AOR

Mr. K.K. Mohan, AOR

Mr. Shree Pal Singh, AOR

Ms. Neela Gokhale, Adv.

Mr. Sourav Singh, Adv.

Mr. Mohit Kumar Singh, Adv.

Ms. Kamakshi S. Mehlwal, AOR

Mr. Abhishek Atrey, AOR

Ms. Ambika Atrey, Adv.

Ms. Manju Sharma, AOR

Mr. Anish R. Shah, AOR

Mr. P. Narasimhan, AOR

Mr. V.K. Biju, AOR

Ms. Swathi H. Prasad, Adv.

Ms. Ria Sachthey, Adv.

Mr. Chetanya Singh, Adv.

Mr. Amlendu Kumar Akhilesh Kumar Jha, Adv.

Dr. Ranjeet Bharti, Adv.

Ms. Rubina Jawed, Adv.

Mr. Parthsarathi M. Saraf, Adv.

Mr. Rameshwar Prasad Goyal, AOR

Mr. Mukesh Kumar Maroria, AOR

Mrs. Bina Gupta, AOR

Mr. Mahesh Agarwal, Adv.

Mr. Ankur Saigal, Adv.

Mr. Nishant Rao, Adv.

Mr. E.C. Agrawala, AOR

Mr. R. Chandrachud, AOR

Mr. Sarvesh Singh, AOR

Mr. Chirag M. Shroff, AOR

Mr. Azim H. Laskar, Adv.

Mr. Debarati Sadhu, Adv.

Mr. S.K. Biswal, Adv.

Mr. Aditya Kumar Archiya, Adv.

Mr. Chandra Bhushan Prasad, AOR

Respondent-in-person

Mr. Amol Chitale, Adv.

Mrs. Pragya Baghel, AOR

Mr. Kapil Sibal, Sr. Adv.

Mr. Amol Chitale, Adv.

Mr. Nirnimesh Dube, AOR

Mr. Ritesh Kumar Chowdhary, AOR

Mr. Praveen Swarup, AOR

Mr. Santosh Kumar - I, AOR

Ms. Liz Mathew, AOR

Mr. Raghavendra S. Srivatsa, AOR

Mr. Balaji Srinivasan, AOR

Ms. Rashmi Singh, AOR

Mr. Venkita Subramoniam T.r, AOR

Mr. Gagan Gupta, AOR

Mr. Arjun Garg, AOR

Ms. Sonia Mathur, AOR

Mr. Snehasish Mukherjee, AOR

Mr. Rajat Mittal, AOR

Mr. Pai Amit, AOR

Ms. Pankhuri Bhardwaj, Adv.

Mr. Abhiyudaya Vats, Adv.

Mr. Raj Bahadur Yadav, AOR

Mr. S. Udaya Kumar Sagar, AOR

Mr. Akhilesh Kumar Pandey, AOR

Ms. Sneha Kalita, AOR

Ms. Ruchi Kohli, AOR

Mr. Maninder Singh, Sr. Adv.

Mr. Gaurav Sharma, AOR

Mr. Sourabh Chadha, Adv.

Mr. Tejveer Bhatia, Adv.

Mr. Prateek Bhatia, Adv.

Mr. Nar Hari Singh, AOR

Mr. Udayaditya Banerjee, AOR

Ms. Nidhi Agarwal, Adv.

Mr. Pushpinder Singh Sodhi, Adv.

Mr. Sanjay Kumar Singh, Adv.

Mr. Pankaj Kumar Sharma, Adv.

Mr. Neeraj Kumar Sharma, AOR

Ms. Charu Ambwani, AOR

Mr. Neeraj Shekhar, AOR

Ms. Purnima Krishna, AOR

Mr. Aditya Ranjan, AOR

Mr. Samir Ali Khan, AOR

Mr. Kaushik Poddar, AOR

Mr. Pashupathi Nath Razdan, AOR

Mr. Shekhar G. Devasa, Adv.

Mr. Manish Tiwari, Adv.

Mr. Shashi Bhushan Nagar, Adv.

Ms. Thashmitha Muthanna, Adv.

Mr. Prashanth Dixit, Adv.

M/s. Devasa & Co.

Mr. K. Krishna Kumar, AOR

Mr. Jayant Mohan, AOR

Mr. Gaichangpou Gangmei, AOR

Mr. Sridhar Potaraju, AOR

Mr. Sandeep Devashish Das, AOR

Mr. Deeptakirti Verma, AOR

Ms. Anushree Prashit Kapadia, AOR

Mr. Kaustubh Shukla, AOR

Mr. Tarun Gupta, AOR

Mr. Arjun Singh Bhati, AOR

Ms. Jesal Wahi, AOR

Mr. Hari Singh, Adv.

Mr. N.M. Theerthegowda, Adv.

Mr. Ankolekar Gurudatta, AOR

Mr. Sahil Tagotra, AOR

Mr. Abhishek Pandey, Adv.

Ms. Abhivyakti Bbanerjee, Adv.

Mr. Anshuman Ashok, AOR

Mr. Ashok Panigrahi, AOR

Mr. Saurabh Trivedi, AOR

Mr. Shashank Shekhar, Adv.

Mr. Ronak Baid, Adv.

Mr. Khushant Wadhwa, Adv.

Mr. Maneesh Pathak, Adv.

Mr. Chander Shekhar Ashri, AOR

Ms. Uttara Babbar, AOR

Mr. Rabin Majumder, AOR

Mr. Rauf Rahim, AOR

Mr. Aditya Verma, AOR

Mr. M.P. Devanath, AOR

Mr. P.V. Yogeswaran, AOR

Ms. Swati Ghildiyal, Adv.

Mr. Kanu Agarwal, Adv.

Ms. Sujatha Bagadhi, Adv.

Mr. D.B. Goburdhun, Sr. Adv.

Mr. A. Kamra, Adv.

Ms. Gauri Goburdhun, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IA No 133365/2022 & IA No 133364/2022 in CA No 4235/2014

- 1 We have heard Mr Anupam Lal Das, senior counsel appearing on behalf of the applicant and Mr A N S Nadkarni, senior counsel for the Bihar Cricket Association in part.

- 2 Mr Anupam Lal Das, senior counsel has placed on the record a copy of the intimation dated 22 September 2022 issued by the Electoral Officer indicating that six candidates stand elected unopposed to the post of President, Vice-President, Secretary, Joint Secretary, Treasurer and Councillor (District Representative).
- 3 The AGM of the Bihar Cricket Association is to take place on 25 September 2022.
- 4 The grievance of the applicant is that the electoral college was altered and there was an amendment to the Constitution of the Bihar Cricket Association without seeking the leave of this Court. This has been disputed on behalf of the Bihar Cricket Association on behalf of Mr A N S Nadkarni, senior counsel.
- 5 In order to facilitate a further hearing on the aspect, list the Interlocutory Applications on 30 September 2022.
- 6 The response of the Bihar Cricket Association is taken on the record.
- 7 **In the meantime, the AGM is permitted to proceed. The results of the AGM insofar as the election of the office bearers is concerned, shall be placed before this Court in a sealed cover.**

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar

Before Ombudsman, Bihar Cricket Association
Raghwendra Kumar Singh (Retd. District Judge)
Incharge Ombudsman, Bihar Cricket Association
BCA/Ombudsman/02 of 2023

Bihar Cricket Association through its Joint Secretary asserting also to be its Acting Secretary, 1st & 2nd Floor, Shailraj Complex, Buddha Marg, P.S. - Kotwali, Patna-800001

E-mail ID : bca@biharcricicketassociation.com

: jointsecretarybca@biharcricicketassociation.com

.....Petitioner

Versus

Sri Amit Kumar, Son of Fulena Singh, R/O Village& Post – Bhairwar, District – Begusarai – 851129

Mobile No. : 9709546522

E-mail ID : secretary.biharca@gmail.com

.....Respondent

18.01.2023

The aforesaid petition has been filed on behalf of the above named petitioner the Bihar Cricket Association (in short 'BCA') through its Joint Secretary Sushri Priya Kumari claiming herself to be also its Acting Secretary through Sushri Arya Vashist, Advocate alongwith its copy including its annexures for the sole respondent for the following reliefs :

- (i) For terminating the Respondent Sri Amit Kumar from the post of Honorary Secretary of the BCA on account of his misconduct and irresponsible action taken against the official of the BCA as well as damaging the image of BCA as an association in society in complete violation of Rule 5 (a) (iv) (v) (vi) (vii) of the BCA.
- (ii) For restraining the respondent Sri Amit Kumar from acting or functioning in the capacity of Honorary Secretary of BCA thereby affirming the unanimous decision taken by the Committee of Management (COM) in its meeting dated 30.12.2022.
- (iii) For direction to conduct fresh election for the post of Honorary Secretary of BCA for smooth functioning of the affairs of BCA.
- (iv) Further for direction to confirm the decision of the Committee of Management dated

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- 30.12.2022 with regard to restraining Sri Amit Kumar from discharging his duties as the Honorary Secretary of BCA and for changing the signatory in the Bank Account of BCA may be confirmed for smooth functioning of day to day affairs of the BCA.
- (v) Any other order/orders, direction/directions for which the Petitioner is found entitled to in the facts and circumstances of the present case.

The aforesaid reliefs have been claimed on the following grounds :

1. That, in the election of BCA held on 25.09.2022 for the five posts of its office bearers and one post of District Representative, Shri Amit Kumar, Respondent herein, was elected on the post of Honorary Secretary of BCA.
2. That after being his election as Secretary of BCA the Respondent, Shri Amit Kumar, attended/participated virtually in the meeting of Committee of Management (COM) dated 04.10.2022.
3. That the respondent Shri Amit Kumar has also attended the General Body Meeting "Aam Sabha" of BCA dated 25.09.2022 and COM meeting dated 04.10.2022. In these meetings sole respondent did not raise any objection with respect to amendment of the Constitution of BCA and filing of an interlocutory application (I.A. No. 132771 & 132773 of 2022 – copy of which is Annexure-1 to the petition) by the BCA before Hon'ble Apex Court for its approval.
4. That the Constitution of BCA was amended with consent of all the members of BCA and members of COM in the General Body Meeting dated 26.06.2022 (copy of which is Annexure-2 & 2/1 to the petition) and was registered with the Department of Registration on 21.07.2022. In the said general body meeting, the representative of Begusarai District Cricket Association (in short 'Begusarai DCA') was also present and the amendments were widely discussed among the stakeholders of BCA. Sole Respondent being the stakeholder of Begusarai DCA was very much aware about the amendment of the Constitution of BCA and filing of interlocutory application before the Hon'ble Apex Court for its approval.
5. That the sole respondent after being elected to the post of Honorary Secretary of BCA, secretly without informing the members of COM, without consulting the legal team of BCA, and without taking any permission from the competent authority, filed LA. petition being Nos. 165077, 165081 and 165743 of 2022 (copy of which is Annexure-3 to the petition) before the Hon'ble Supreme Court. In these interlocutory applications the sole respondent Mr. Amit Kumar took stand contrary and separate to the stand of BCA. This act by sole respondent is against the interest of BCA and amounts to violation of Rules of the BCA.

(Contd.)

Pal Singh

6. That by the above stated act of the respondent in the capacity of Honorary Secretary and taking separate and distinct stand before the Hon'ble Courts and that too without information and permission of the BCA has brought embarrassing situation for the counsels representing the BCA before the various Judicial Forums and which ultimately damaged the image of the BCA.
7. That not only this, the respondent Mr. Amit Kumar engaged renowned and separate counsel for representing him before the Hon'ble Apex Court on payment of hefty amount is a matter of concern and indicates to misuse of funds of BCA for individual gain.
8. That not only this the respondent Mr. Amit Kumar is in habit of threatening and influencing the selectors and used to send unauthorized mails to them in order to create undue pressure on them.

Copies of emails sent by him to Selectors and other authorities are annexed herewith and marked as **Annexure-4 (Colly)** to the petition which forms part of the same.

9. That apart from this the respondent Mr. Amit Kumar has never shown any interest in the affairs of the BCA and always escaped from his responsibilities towards the BCA. The members of the BCA receive cold response and non-co operation from the respondent Mr. Amit Kumar. One of such incident which shows his lack of interest and escapist attitude towards the BCA is evident from Agenda 4 of the COM Meeting dated 30.12.2022.

Copy of agenda of the meeting of COM dated 30.12.2022 is annexed herewith and marked as **Annexure-5** to the petition which forms part of the same.

10. That it will be relevant to mention herein that the sole respondent who, without the consent of the President and/or requisition from the members, issued a notice for convening the meeting of COM on 03.01.2023. As on 03.01.2022 due to non availability of hotel for the meeting and also due to match fixtures of Ranji Trophy and U-25 scheduled at Patna from 01.01.2023, the President of BCA in continuation with the notice issued by the respondent, preponing the said COM meeting to 30.12.2022 in which the sole respondent also agreed to participate.

However, the sole respondent issued invitation to several other persons which includes persons fighting against the BCA and for their own affiliation from BCCI. The

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President, BCA did not allow the same as the same was against the Constitution of BCA. Thereafter, due to ill action of the sole respondent he was issued a show cause notice and the same was responded by him.

The COM of BCA considered the materials available before them and the ill action committed by the sole respondent on the date of COM. After due deliberation, the COM in its meeting dated 30.12.2022 decided to restrain the sole respondent from discharging his duties as Honorary Secretary of BCA and refer the matter to this Hon'ble Tribunal for final adjudication.

Copies of relevant documents including show cause notice and show cause of sole respondents are annexed herewith and marked as **Annexure-6 (Colly)** to the petition, which forms the part of the same.

11. That the emergent meeting of Committee of Management (COM) dated 30.12.2022 which was supposed to be convened at 2 p.m. with prior information and consent of all concerns was rescheduled to 6 p.m. on the same day because of dispute and conspiracy hatched by the respondent Amit Kumar and his supporters including use of muscle power creating an atmosphere of ruckus and havoc at the site of the venue for the said meeting at the prescheduled time. The respondent along with other 20-25 outsiders forcefully and with ulterior motive entered into the place of meeting and started ransacking, shouting, tearing out the banner, destroying articles kept there and created a threatening atmosphere and thereby disturbed the whole proceeding of the meeting.
12. That the aforesaid uncalled and intolerable act of the respondent was vehemently condemned by the members of the COM in the rescheduled meeting of the COM dated 30.12.2022 and then, accordingly, unanimously it was decided in the said meeting after discussion that the act of the respondent was highly irresponsible, arbitrary, illegal, malafide, contemptuous and in complete violation of the rules and detrimental against the constitution of the BCA and a decision was taken unanimously by the members of the COM present therein to immediately remove and cease all the rights and powers of the respondent as Honorary Secretary of BCA and for the time being on temporary basis Joint Secretary Smt Priya Kumari was/is entrusted and vested with all responsibilities and powers of Honorary Secretary of the BCA.
13. That in reply to the show cause notice the respondent filed his written reply which is unsatisfactory and the respondent failed to explain his conduct.
14. That in view of the facts and circumstances detailed therein above it has been asserted that the act and action of the sole respondent Mr. Amit Kumar is unbecoming of holding

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R Singh

a responsible and important post of the BCA as its Secretary and the same is in violation of Rule 5 (a) (iv) (v) (vi) (vii) of the Constitution of BCA and therefore this Hon'ble Tribunal have ample jurisdiction under Rule 45 (1) (a) & (b) read with Rule 45 (6) of the Constitution of BCA to pass necessary orders by affirming the decision of the Committee of Management dated 30.12.2022 and further to terminate the respondent from the post of Honorary Secretary of BCA with immediate effect.

15. That it will be worthwhile to mention herein that on the earlier occasion also under similar circumstances, this Hon'ble Tribunal has been pleased to restrain the then Honorary Secretary and was further pleased to direct the Bank to allow the Joint Secretary-cum-Acting Secretary of BCA to operate the Bank Account of BCA.

Copy of the order of this Hon'ble Tribunal is annexed herewith and marked as **Annexure-7** to the petition, which forms the part of the same.

On the basis of aforesaid pleading the petitioner has lastly prayed :

That Your Lordships may graciously be pleased to admit this application, issue notice to the sole respondent and after hearing the parties be pleased to allow the reliefs prayed for in Para-1 of this petition.

AND

During pendency of this application the decision of the Committee of Management dated 30.12.2022 with regard to restraining the sole respondent Sri Amit Kumar from post of Honorary Secretary of the BCA and to change the signatory in the Bank Account may be confirmed for smooth functioning of day to day affairs of the BCA.

AND/OR

Pass such other order/orders as this forum may deem fit and proper in the facts and circumstances of the case.

Sushri Arya Vashist, advocate for the petitioner taking me through annexures referred above and the aforesaid pleading prayed for interim relief relating to 'During pendency of this application the decision of the Committee of Management dated 30.12.2022 with regard to restraining the sole respondent Sri Amit Kumar from post of Honorary Secretary of the

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BCA and to change the signatory in the Bank Account may be confirmed for smooth functioning of day to day affairs of the BCA' ex parte arguing that if such interim relief is not granted the activities of the BCA would be badly jeopardized and hampered and, as such, the aforesaid interim relief must be granted ex parte relying on annexure-7 being the order dated 20.02.2020 passed in BCA/OMBD/02-2020 by the then Ombudsman BCA – Hon'ble Justice (Retd.) Mrs. Nilu Agrawal claimed to be an order of interim relief of a like nature as herein has been prayed in the present application almost similar facts and circumstances which are present in the present case.

But as regard to aforesaid prayer for interim relief and that too ex parte would be not proper without hearing the respondent but approving the decision of the COM in its meeting dated 30.12.2022 of the BCA for smooth functioning of day to day affair of BCA till further order instead of the Secretary the Joint Secretary, BCA namely Sushri Priya Kumari is permitted to sign on behalf of the BCA for operation of the bank account of BCA till final disposal of the said prayer.

Let the notice be issued to the respondent for hearing on the prayer of aforesaid interim relief on 23.01.2023 for which copy of this order is being sent to him through e-mail containing the contents of pleading of the petitioner and reference of the relevant documents relied on behalf of the petitioner for making effective reply to the said prayer for interim relief by the respondent by making his contention against the aforesaid prayer for interim relief on that date; and for filing his reply putting forth his version against the relief sought by the petitioner as mentioned above by 09.02.2023.

Copy of the petition including its annexure filed along with the main petition including its annexure may be received by the respondent through any person authorized by him to do so from this forum before 23.01.2023 between 10:30 a.m. to 7:00 p.m. on any date falling in between.

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

Copy to:

1. President, Bihar Cricket Association.

Email: president@biharcricquetassociation.com

(Contd.)
R Singh

2. Bihar Cricket Association, through its Acting Secretary

Email: bca@biharcricketassociation.com

3. Chief Executive Officer, Bihar Cricket Association

Email: ceo@biharcricketassociation.com

4. Sushri Arya Vashist, Advocate

Email: aryavashist@gmail.com

5. Sri Rakesh Kumar Tiwari, At present President Bihar Cricket Association

Email: president.bca.rkt@gmail.com

6. Miss. Roona, Advocate

Email: roonaadv@gmail.com

7. Mr. Amit Kumar, asserted to be restrained Secretary, BCA

Email: secretary.biharca@gmail.com

8. Joint Secretary, BCA

Email: jointsecretarybca@biharcricketassociation.com

Dasgupta





Affiliated to BCCI

bca@biharcricquetassociation.com

संशोधित पत्र


मैं, राघवेन्द्र कुमार सिंह, निवर्तमान नैतिक अधिकारी (बिहार क्रिकेट एसोसिएशन), बिहार क्रिकेट एसोसिएशन के दिनांक 28-08-2022 के वार्षिक आम सभा में लिए गए निर्णय के आलोक में मेरी नियुक्ति नैतिक अधिकारी के रूप में किया गया था तथा मझे प्रभारी लोकपाल (बिहार क्रिकेट एसोसिएशन) का अधिभार इस शर्त पर दिया गया था कि बिहार क्रिकेट एसोसिएशन के नए लोकपाल के नियुक्ति तक लोकपाल का अधिभार मेरे पास रहेगा। दिनांक 30 दिसम्बर 2022 एवं 02 जनवरी 2023 को संपन्न हुई कमिटी ऑफ मैनेजमेंट के बैठक में सारे निर्णय सर्वमत (सभी के मत) से पारित किये गए है। जिसमे से वार्षिक आम सभा में लिए गए निर्णय के आलोक में माननीय लोकपाल के रूप में श्री नवल किशोर सिंह की नियुक्ति भी हुई है। सोसाइटी रजिस्ट्रेशन एक्ट 1860 में निबंधित किसी भी संस्था में एक मीटिंग में निर्णय लिया जाता है, जिसकी संपुष्टि अगले बैठक में की जाती है। दिनांक 12 फ़रवरी 2023 को संपन्न हुई विशेष आमसभा में सदन ने मेरी नियुक्ति जनवरी 2020 से मानी, जिसके कारण सदन ने वार्षिक आमसभा 28-08-2022 जो की 25-09-2022 को पूर्ण हुई थी, मेरी नियुक्ति को संपुष्ट नहीं किया। साथ ही साथ बिहार क्रिकेट एसोसिएशन के माननीय लोकपाल श्री नवल किशोर सिंह को नैतिक अधिकारी का भी अधिभार दिया गया। वार्षिक आमसभा, कमिटी ऑफ मैनेजमेंट तथा विशेष आमसभा में लिए गए निर्णय का सम्मान करते हुए, मैं, नैतिक अधिकारी तथा प्रभारी लोकपाल के सम्बंधित सभी फाइल्स, बिहार क्रिकेट एसोसिएशन के श्री मनीष राज (सीईओ) को दिनांक 28 फ़रवरी 2023 को हस्तगत करवा चुका हूँ। मुझे मेरे सभी बकाये का भुगतान बीसीए से प्राप्त हो चुका है। अब मेरा कोई बकाया या दावा बिहार क्रिकेट एसोसिएशन के साथ/पर नहीं है। मैं पुनः माननीय लोकपाल सह नैतिक अधिकारी श्री नवल किशोर सिंह एवं बिहार क्रिकेट एसोसिएशन के उज्वल भविष्य की कामना करता हूँ।


(मनीष राज)
सीईओ, बीसीए
दिनांक - 01 मार्च 2023


(राघवेन्द्र कुमार सिंह)
निवर्तमान नैतिक अधिकारी
बिहार क्रिकेट एसोसिएशन
01.03.2023


List of files (containing pleadings, order sheets) of Cases (Infructuous/Disposed of)

1. Ombud 08 of 2021
2. Ombud 10 of 2022
3. Ombud 14 of 2022
4. Ombud 13 of 2022
5. Ombud 02 of 2021
6. Ombud 09 of 2022
7. Ombud 19 of 2022
8. Ombud 07 of 2021
9. Ombud 11 of 2022
10. Ombud 06 of 2022
11. Ombud 07 of 2022
12. Ombud 01 & 02 of 2022
13. Ombud 05 of 2022
14. Ombud 16 & 18 of 2022
15. Ombud 08 of 2022
16. Ombud 03 of 2021
17. Ombud 04 of 2021
18. Ombud 05 of 2021
19. Ombud 09 & 11 of 2021
20. Ombud 01 of 2021
21. Ombud 06 of 2021
22. Ombud 03 of 2020
23. Ombud 12 of 2021
24. E.O. 01 & 02 of 2020
25. E.O. 03 & 04 of 2020
26. E.O. 01 of 2022


(Manish Raj)

CEO, BCA

Received Hon'ble Mentation Ethics
For Hon'ble Ombudsman cum
Namely Sri. Nawal Kishore Singh. (Ret. Dist. Judge)
V.C. Sahas
Wishwak Chandra Jaiswal
Mob - 9631867412
28/02/2023



(Raghwendra Kr. Singh)

Ex. Ethics Officer/Incharge Ombudsman

1/2


List of files (containing pleadings, order sheets) of pending cases

1. Ombud 12 of 2022
2. Ombud 04 of 2022
3. Ombud 02 of 2023
4. Ombud 17 of 2022
5. Ombud 15 of 2022
6. Ombud 24 of 2022
7. Ombud 20 & 23 of 2022
8. Ombud 03 of 2022
9. Ombud 01 of 2023
10. Ombud 22 of 2022
11. Ombud 21 of 2022
12. Ombud 11 of 2018
13. E.O. of 01 of 2023


(Manish Raj)
CEO, BCA

Received all-mention Filed
For Honble ombudsman cum in charge Ethics Officer
Namely Sri Naval Kishore Singh (Refer. Dist Judge)

V. C. Sagar
Wishwakh Chomara Sagar
Mob - 7631867412
28/02/2023


(Raghwendra Kr. Singh)
Ex. Ethics Officer/Incharge Ombudsman



Before Ombudsman, Bihar Cricket Association

Nawal Kishore Singh (Retd. District Judge)

Bihar Cricket Association

BCA/Ombudsman/02 of 2023

Bihar Cricket Association through its Joint Secretary asserting also to be its Acting Secretary, 1st & 2nd Floor, Shailraj Complex, Buddha Marg, P.S. Kotwali, District- Patna, PIN-800001.

E-mail ID :- bca@biharcricicketassociation.com

:- jointsecretarybca@biharcricicketassociation.com

.....Petitioner

Versus

Sri Amit Kumar, son of Fulena Singh, Resident of Village & P.O. Bhairwar, District- Begusarai-851129.

Mobile No. 9709546522

E-mail ID :- secretary.biharca@gmail.com

.....Respondents

ORDER

30.05.2023

Record is put up for order.

A petition was filed on 19.01.2023 by Bihar Cricket Association through its Joint Secretary who has also been made In-charge temporarily in place of Honorary Secretary of the Association before the Ombudsman In-charge praying therein that Mr. Amit Kumar be removed from the post of Honorary Secretary due to his irresponsible and anti-association activities resulting in damaging the image of BCA in violation of Rule-5(a)((iv)(v)(vii) of the Bihar Cricket Association and also restraining him from functioning as Honorary Secretary of BCA by confirming unanimous decision of the Committee of Management in the meeting held on 30.12.2022.

It has further been prayed that a direction be given to conduct fresh election for appointing Honorary Secretary of Bihar Cricket Association for smooth functioning of the Association.

It has further been prayed that a direction also be given to the petitioner to take legal action against the Sole Respondent Mr. Amit Kumar.

Thereafter, as it appears a reply was filed by Sole Respondent Mr. Amit Kumar appearing through his Lawyer Mr. Ranjan Kumar Srivastava refuting the claims and allegations of the Petitioner BCA and submitted that he has not committed any misconduct nor he has shown any indiscipline behaviour towards the Bihar Cricket Association nor he is damaging the reputation, image of Bihar Cricket Association and a false and imaginary allegation has been levelled and he so-called seizing of power by the BCA is illegal, improper and unjustified. It has also been stated that before seizing his power he was not asked to show cause so that he may get opportunity to explain his position as such there is denial of principle of natural justice. With the above submission the Sole Respondent prayed for dismissing this case of BCA and allowing him to function as Honorary Secretary of Bihar Cricket Association. It further appears that after filing this petition the sole Respondent also appear before the In-charge, Ombudsman but subsequently he absented himself to represent his case. Now the question arises as to whether the prayer of the petitioner is fit to be allowed or not.

From perusal of the pleading of the parties and submission of the BCA, it appears that when the Sole Respondent was found in indulging himself in acting against the interest of the Association and violating the Constitution of the BCA. In this regard, matter was referred to Committee of Management who found him for conducting misconduct and also becoming indiscipline against the provision of the Constitution of BCA in the result of which the power of the Sole Respondent to act as Honorary Secretary was seized and a prayer has been made by the Bihar Cricket Association to remove him from the post of Honorary Secretary.

From perusal of the pleading of the parties and submission made by the Petitioner, Bihar Cricket Association, it appears that due to the actions of the Sole Respondent, it can be said that he does not want to participate in the proceeding. On the other hand from the pleading of the Petitioner and



submission made on behalf of his lawyer, it is clear that admittedly the power of sole respondent Mr. Amit Kumar was seized on being found indulging himself in anti-activity and against the interest of the Bihar Cricket Association. In course of argument, it was made clear that when Annual General Meeting of the Bihar Cricket Association was convened on 30.12.2022, the Sole Respondent Mr. Amit Kumar created ugly scene with the help of his men and anti-social elements and he tried his best to disturb the meeting.

Not only this, he got one case filed bearing E.O. No. 01/2023 (Yoshita Patwardhan Vs. BCA and Ors.) before the Ethics Officer in January, 2023, where this Respondent Amit Kumar appeared in capacity of Honorary Secretary of the BCA without the information to the BCA and supported the case of the petitioner so that function of the BCA be paralysed knowing it full well that his power to act as Honorary Secretary has been seized, and in order to get a favourable order with his connivance. This action of the Respondent Mr. Amit Kumar is sufficient to prove his misconduct and also contrary to the interest of the BCA.

It is also clear that as per submission of the Bihar Cricket Association and its pleading both in main petition and Interlocutory petition filed subsequently, it appears that Mr. Amit Kumar was elected Honorary President held on 25.09.2022 and he participated in the meeting of Committee of Management dated 04.10.2022 through virtual mode and meeting of AGM dated 25.09.2022 where the Constitution of the BCA was amended, but in those meetings Mr. Amit Kumar did not raise any objection with regard to the amendment of the Constitution of the BCA and filing the I.A. No. 132771 and 132773 of 2022 before the Hon'ble Apex Court. It has also been submitted that after the amendment in the Constitution of BCA which was registered in Department of Registration on 21.07.2022 and the said meeting of the General Body of the Begusarai District Cricket Association from where the Sole Respondent Mr. Amit Kumar is Stake Holder of the BCA, knowing it full well regarding the amendment of the Constitution of BCA, an Interlocutory Application was filed before the Hon'ble Apex Court. Not only this Mr. Amit Kumar appeared before the Hon'ble Apex Court in the capacity of Honorary Secretary without informing the Member of the BCA and without taking any permission from the competent authority, nor he consulted the legal team of the BCA and filed I.A. No. 165077, 165081 and 165743 of 2022 before the



Hon'ble Apex Court, where Mr. Amit Kumar took contrary and separate stand of the BCA and engaged the lawyers of his own choice. These acts of Mr. Amit Kumar are certainly against the interest of BCA and that amounts to violation of Constitution of Bihar Cricket Association. Not only this, from the pleading and submission of the BCA, it is clear that Mr. Amit Kumar represented himself before the several Judicial Forum without any permission and authority of the BCA, resulting in damaging the image of the BCA.

I find force in submission of the learned Lawyer of the Petitioner that Mr. Amit Kumar is in habit of threatening and influencing the selectors to send unauthorized mails in order to create undue pressure. The petitioner has also brought on record those mails by way of Annexure-4 to the petition.

In course of argument, the learned Lawyer appearing on behalf of the petitioner referred to one specific incident where the Sole Respondent Mr. Amit Kumar without the consent of the President of BCA or any requisition from the members, issued notice for a meeting of Committee of Management on 13.01.2023 but due to non-availability of the places and match fixtures of Ranji Trophy and U-25 scheduled at Patna on 1st March, 2023 and the President of BCA in continuation with the notice postponed the date of meeting on 30.12.2022.

It has also been brought to my notice that the Sole Respondent Mr. Amit Kumar has created a parallel and fake website www.biharcrickeassociation.com in the name of BCA and through that website he is advertising and inviting applications for the appointment and thereby he is creating a confusion in public. He is also organising cricket matches and for that this parallel and fake website are being used which is certainly against the interest of Bihar Cricket Association and the Cricketers and he is treating the affairs of the Association like his pocket preserve.

All the facts stated above and material available on the record go to show that Respondent Mr. Amit Kumar should not be allowed to continue to act as Honorary Secretary of the BCA. Under the circumstances mentioned above, I am constrained to hold that the prayer of the petitioner are fit to be allowed. Here it would not be out of place to mention that due to the actions of the Respondent, there is nothing on record to contradict the submission of the Petitioner. In the result, the following reliefs are granted :-



of the Respondent, there is nothing on record to contradict the submission of the Petitioner. In the result, the following reliefs are granted :-

- a) The Decision of the Committee of Management dated 30.12.2022 is affirmed and Mr. Amit Kumar, the Sole Respondent is terminated from the post of Honorary Secretary of the Bihar Cricket Association on account of misconduct and irresponsible behaviour. It is further ordered that all the decisions taken by of the Respondent w.e.f. 30.12.2022 are hereby declare null and void.
- b) The petitioner BCA is further directed to conduct fresh election within period of 45 days from date of this order to appoint a regular Honorary Secretary of the BCA. The temporary arrangement for performing function of Honorary Secretary is also approved.
- c) Regarding, granting permission for taking legal action against Mr. Amit Kumar, it is left on the discretion of the BCA.

Informed all concerned.


(Nawal Kishore Singh)

Ombudsman

Bihar Cricket Association

Copy to :-

1. **President, Bihar Cricket Association**
Email: president@biharcricicketassociation.com
2. **Bihar Cricket Association, through its Acting Secretary,**
Email : bca@biharcricicketassociation.com
3. **Chief Executive Officer, Bihar Cricket Association**
Email: ceo@biharcricicketassociation.com
4. **Prashant Sinha, Advocate**
Sinhaprashant976@gmail.com
5. **Mr. Rakesh Kumar Tiwary at present President Bihar Cricket Association**
Email : president.bca.rkt@gmail.com
6. **Mr. Amit Kumar, asserted to be restrained Secretary, BCA**
Email : secretary.biharca@gmail.com
7. **Joint Secretary, BCA**
Email : jointsecretarybca@biharcricicketassociation.com