

U

**Before Ombudsman, Bihar Cricket Association  
Raghendra Kumar Singh (Retd. District Judge)  
Incharge Ombudsman, Bihar Cricket Association**

**BCA/Ombudsman/16 of 2022**

**Navin Kumar S/O Sri. Rajendra Prasad Sah R/O Station Road, Madhubani, Ward No – 18, P.S. - Madhubani, District – Madhubani, claiming himself to be elected as Secretary of Madhubani District Cricket Association, Madhubani.....Petitioner**

**Versus**

- 1. Bihar Cricket Association through its President, presently also In-charge Secretary, 1<sup>st</sup> & 2<sup>nd</sup> Floor, Shail Raj Complex, Buddha Marg, P.S. Kotwali, Patna- 800001.**
- 2. The President, Bihar Cricket Association, 1<sup>st</sup> & 2<sup>nd</sup> Floor, Shail Raj Complex, Buddha Marg, P.S. Kotwali, Patna- 800001.**
- 3. The Chief Executive Officer, Bihar Cricket Association, 1<sup>st</sup> & 2<sup>nd</sup> Floor, Shail Raj Complex, Buddha Marg, P.S. Kotwali, Patna- 800001.**
- 4. Prabhakar Singh, Advocate S/O Digvijay Kumar Singh, R/O Village – Chahraha, P.S. - Basopatti, District – Madhubani.**
- 5. Ajay Kumar Singh, Advocate R/O Mahaseth Colony Opposite Khadi Bhandar Road, P.S. - Madhubani, District – Madhubani.**

.....Respondents

**12.09.2022**

An application/complaint through Shri Navjot Yesu, Advocate has been filed today with Annexures 1 to 16 along with vakalatnama by one Navin Kumar fully described above in the cause title for the following reliefs:

To direct the Bihar Cricket Association (in short “BCA”) to upload the names of the Members/Office Bearers of the Committee of Management/Executive Committee of Madhubani District Cricket Association (in short “Madhubani DCA”) claimed to be came into existence through the election in the said DCA said to be held on 06.09.2022 on the official website of the BCA.

And for further direction to the BCA and the Electoral Officer of the BCA to accept name of the petitioner as the representative of Madhubani DCA on the basis of the authority issued by the COM of Madhubani District Cricket Association for the purposes of voting in upcoming BCA

(Contd.)  
R.K.S.

election – 2022.

And/Or pass such order(s) as this tribunal may deem fit and proper.

The aforesaid reliefs have been sought on the following grounds mentioned in the application/complaint -

That by order dt. 13.04.2022 passed by this tribunal in Case No. - BCA/Ombudsman – 12, 13 & 14 of 2021, Zeya Iqbal vs. BCA & Ors. (copy of which is Annexure- 1) some directions were given to the BCA including to form a Committee including a Retd. Judicial Officer (nominated in consultation with Ombudsman) as its Member and the said Committee have to function under the supervision of such Judicial Officer to verify the voter-lists of District Units/DCAs affiliated with the BCA which terms have expired and after said verification to form an Adhoc Committee for each of such District Units from the office-bearers of the clubs affiliated to each such District Unit which would be found genuine and eligible on the aforesaid verification and then to hold election under observance of the persons appointed by BCA amongst whom one must be either Retd. Judicial Officer or Retd. Bihar Administrative Officer and the said process have to be completed within three months from the date of said order dt. 13.04.2022. But the respondent BCA has no respect of the said order dt. 13.04.2022 and has been acting arbitrarily on its own whims and fancies by completely violating the said order as the BCA did not comply the aforesaid directions given in the said order dt. 13.04.2022 within the period mentioned in the said order and this action of the BCA was done intentionally and deliberately about which reasons are only best known to the BCA and none else.

It is also mentioned in the petition – on 16.06.2022 the then President, Madhubani DCA vide his Email to the CEO, BCA (copy of which is Annexure- 2) has requested him to give them the access of the said mail or treat the mail which has been provided therein as the official email of Madhubani DCA but for one reason or the other there was/is no response from the BCA.

That on 02.06.2022 the President, BCA published one notification (copy of which is Annexure- 3) regarding formation of a Committee under the Chairmanship of one Shri Nand Kumar Shrivastava claimed to be formed in the light of the aforesaid order dt. 13.04.2022 but this was done without consultation with the Ombudsman and without any decision taken in this regard by any resolution either taken in the COM of the BCA or in the General Body Meeting of the BCA and only the President, BCA could not be regarded as the BCA and the said formation of said Committee by the President, BCA is without any authority and legal sanctity because from the aforesaid notification it is apparently clear that no decision in this regard was taken by the BCA in its meeting of either its COM or its General Body as no information in this regard about holding meeting of its COM/General Body is not available/published by the BCA on its website till date.

That vide Notification dt. 08.08.2022 uploaded on the website of BCA (copy of which is

(Contd.)  
Rising



Annexure- 4) the BCA have moved ahead and over reached the order of this tribunal as in the said notification it has been clearly mentioned in that in the Districts of Muzaffarpur, Bhojpur, Sitamarhi, Begusarai, Arwal, Buxar, West Champaran, Purnea, Katihar, Supaul, Vaishali, Seikhpura the elections have already been held but the Committee of Management in its meeting dt. 17<sup>th</sup> July, 2022 have decided to get verification of the papers of the aforesaid DCAs, where elections have already been held, should also been conducted by the Committee constituted under the Chairmanship of Retd. District Judge Shri Nand Kumar Shrivastava after receiving arrear affiliation fee; and the same is beyond the scope of the said order dt. 13.04.2022 and thus being arbitrarily and illegal and by doing so the authorities of the BCA have made mockery of the entire BCA; and the same has been done the respondent BCA wants to get unfettered powers by forming an Adhoc Committee in each of such District Units also with a view to that the present President, BCA would have place the person of his choice so as to leave him for a comfortable winning of the BCA election.

That on 10.08.2022, the BCA have published a notification (copy of which is Annexure- 5) with regard to formation of Adhoc Committee in 15 District Units of BCA. Thereafter on 11.08.2022 the Adhoc Committee sent messages to some clubs for meeting on 12.08.2022 through WhatsAapp but all the clubs were not called for the aforesaid meeting, and it is pertinent to mention that 12.08.2022 was holiday on the account of Raksha Bandhan and Aazadi Ka Amrit Mahotsav. Thereafter on 14.08.2022 a news article was published in daily newspaper (copy of which is Annexure- 6) wherein it has been stated that an Adhoc Committee has been constituted for Madhubani DCA and one Prabhakar Kumar Singh, Advocate has been appointed as the Electoral Officer.

That on 11.08.2022 the CEO, BCA filed one application in the aforesaid case BCA/Ombudsman- 12, 13 & 14 of 2021, which was already disposed on 13.04.2022, for extention of time in holding the election and modification of the order so far it relates to the appointment of Retd. Judicial Officer and for conducted election but copy of the said application was not supplied to any of the office-bearer of Madhubani DCA and without giving notice or opportunity to the intervenors in the aforesaid case order was passed on 16.08.2022 (copy of which is Annexure- 7) and this order was obtained by playing fraud and foul play by which the authority of Ombudsman has also been defamed and demeaned and all these illegal and manipulating acts have been done with a view to comfortable win by the present President, BCA in the upcoming BCA election. By the said order dt. 16.08.2022 the election must have to be completed by 07.09.2022.

That as per election schedule for Madhubani DCA notified in pursuance of the aforesaid news article published in daily newspaper (copy of which is Annexure- 6), the petitioner and the other persons filed their nomination paper for their respective posts on 24.08.2022; and in this

(Contd.)  
R Singh



regard copies of nomination forms of some candidates have been filed as Annexure 8 at Pages 47 to 52.

That on 26.08.2022 one Pankaj Kumar Chaudhary, who was then Joint Secretary of Madhubani DCA filed an objection petition (copy of which is Annexure- 9) before the Electoral Officer (of Madhubani DCA) about certain anomalies in scrutiny of candidates and allowing unauthorised candidates in his club and also for safe custody of documents relating to election but the said objection petition was considered by the Electoral Officer. Thereafter on the same date, i.e., 26.08.2022 voting for the election in Madhubani DCA through secret ballot papers under the supervision of the Observer sent by the BCA was started and after casting of 16 votes by the authorised persons of said 16 clubs out of total 20 clubs affiliated with Madhubani DCA found eligible after the verification by the Committee formed by the BCA under the Chairmanship of Shri Nand Kumar Shrivastava, Retd. District Judge, purported to be constituted in pursuance of the aforesaid order dt. 13.04.2022, the Electoral Officer for one reason or others the Electoral Officer burnt the aforesaid casted votes by secret ballot papers on 26.08.2022 (it appears that in the petition due to typing mistake the date has been typed 16.08.2022 instead of 26.08.2022) itself and to substantiate the aforesaid allegations of burning the secret ballot papers by the Electoral Officer there is video clip (copy of which has been sent to me and also to Shri Krishna Murari Prasad, Advocate of the BCA on their respective WhatsApp, and receiving of said video clip on the WhatsApp of said Krishna Murari Prasad, Advocate has been admitted to be received by him during course of hearing the matter held today virtually on Google Meet, but he has argued that he is recognising any person identity appearing in the said video clip).

That on 26.08.2022 (it appears that in the petition due to typing mistake the date has been typed 16.08.2022 instead of 26.08.2022) itself and emergent meeting was called for and it was unanimously decided that for conducting free and fair election in the Madhubani DCA by and amongst the clubs registered with Madhubani DCA on 06.09.2022 at 04:00 PM, as per aforesaid order dt. 16.08.2022, the election must have to be completed by 07.09.2022, keeping in view the act of burning the aforesaid casted ballot papers by the Electoral Officer the Adhoc Committee constituted for the Madhubani DCA, purported to be constituted in pursuance of the aforesaid order dt. 13.04.2022 has lost its sanctity, and as such, the clubs affiliated with Madhubani DCA were free to conduct election in said DCA from amongst the clubs so affiliated by calling a Special General Body Meeting of Madhubani DCA (copy of the minutes of the claimed meeting dt. 26.08.2022 is Annexure- 10). This was followed by sending an Email to the BCA (copy of which is Annexure- 11) by several office-bearers of Madhubani DCA on 29.08.2022 mentioning therein about the aforesaid anomalies during the aforesaid election process in the Madhubani DCA with further intimation to the BCA that the Committee so far functioning in said DCA till the formation of Adhoc Committee

(Contd.)  
Dilip



will continue to function and after conducting election in said DCA before 07.09.2022 the same shall be communicated to the BCA. Thereafter on 29.08.2022 the petitioner also filed a complaint through email to the District Magistrate/Superintendent of Police/Inspector General of Police, Madhubani (copy of which is Annexure- 12) for taking legal action in accordance with law against the persons found involved in the aforesaid rigging and adoption of mal-practices in the aforesaid election process but no action has been taken till filing of the present petition.

That on 06.09.2022, Special General Meeting of the Madhubani DCA was held in which all the authorised person of all the clubs registered with the Madhubani DCA participated in the meeting and after following all due process of law voting through raising hands was done under the direction and control of the Electoral Officer in which the newly elected Committee came to be elected as mentioned in the proceeding dated 06.09.2022 and copy of the said proceeding was also sent to the BCA and all the registered clubs through email on their respective email (copy of proceeding dt. 06.09.2022 and email dt. 07.09.2022 have been annexed as Annexure- 13).

That on 09.09.2022 Madhubani DCA through email aslo communicated to the Ombudsman about the process of holding elections in Madhubani DCA on 06.09.2022 (copy of which is Annexure- 14).

That thereafter the petitioner requested BCA to upload the details of office-bearers of Madhubani DCA elected through aforesaid election process dt. 06.09.2022 on the official website of the BCA but the same has not been done so far and the name of some other persons are still appearing on the website (copy of which is Annexure- 15).

That the schedule for holding election of the BCA (copy of which is Annexure- 16) has been fixed and w.e.f 12.09.2022 to till 14.09.2022 call for members to file applications to nominate their representative is to be filed before the Electoral Officer of BCA and thereafter draft electoral list is to be prepared on 14.09.2022. The petitioner has a reasonable apprehension that his candidature for filing application as an authorised representative of Madhubani DCA will not be considered (copy of the authorisation made by office-bearers, claimed to be elected by the aforesaid election dt. 06.09.2022, of Madhubani DCA has been filed by the petitioner at Page 84 of the petition).

Heard Shri Navjot Yesu, Advocate for the petitioner and Shri Krishna Murari Prasad, Advocate for the BCA virtually on Google Meet. During the course of hearing said Shri Krishna Murari Prasad, Advocate has admitted that he has received copy of the petition along with its Annexures upto Page 84 today itslef at the evening though he is ailing and about this facts he has already communicated to me through WhatsApp message in which he has also submitted the prescription of doctors and diagonstic investigation report, and as such, he could not have communicated to the authorities of the BCA about the facts of present case and as such he has no instruction of the BCA to submit on behalf of the BCA. Shri Navjot Yesu, Advocate for the

(Contd.)  
Dilip



petitioner took me with the averments made in the petition along with its Annexures and its relevancy and argued that if interim relief to effect of accepting the authorisation to the petitioner by the Madhubani DCA by the Electoral Officer of BCA for upcoming BCA election – 2022, for which the last date is 14.09.2022 as per election schedule notified by the Electoral Officer BCA (copy of which is at Pages 82, 83 as Annexure- 16) is not acceded the whole purpose of filing of this case would become infructuous, and, as such, there would be irreparable loss to the petitioner which could not be compensated by money and from the facts narrated above along with Annexures given on affidavit sworn by the petitioner on 12.09.2022 before N. Kumar, Authorised Oath Commissioner, Patna High Court bearing no. 18578 of said Oath Commissioner, the petitioner has been succeeded in proving prima facie case and balance of convenience in his favour. To this Shri Krishna Murari Prasad, Advocate for the BCA submitted that he could not submit any thing for the reasons mentioned above as stated by him but he has admitted that if interim relief is not granted the petition would become infructuous but he submitted that as the copy of the petition has been served on him today itself at evening and as he is ailing he could not have contacted the authorities of the BCA for their instructions in the present matter hence an adjournment should be granted and only after that the interim relief matter should be considered. But this request made on behalf of the BCA could not be acceded as in that case the present petition would be infructuous in toto causing irreparable loss to the petitioner which could not be compensated in the term of money and the petitioner has proved prima facie case and balance of convenience in his favour.

Consequently, the Electoral Officer of BCA for upcoming BCA election – 2022 is directed to accept the aforesaid authorisation in favour of the petitioner for Madhubani DCA provisionally till further order which would be passed on the next date fixed in the case which is fixed as 17.09.2022 as per the election schedule of BCA (copy of which is Annexure- 16) 18.09.2022 is the date for publication of final Electoral Roll and called to file nomination application for candidates contesting in the BCA election after disposal objections, if any, for which date for filing objection is fixed 15.09.2022.

The respondents 1 to 3 are directed to file their respective replies positively by 17.09.2022 which copies must be served on the counsel of the petitioner. The hearing would also be held on 17.09.2022 on the point of final hearing on the aforesaid interim relief and for that purpose no adjournment would be acceded in view of the election schedule of the BCA, and therefore, the replies must be filed till 12:00 noon on 17.09.2022 after serving its copies on the counsel of the petitioner.

The CEO of BCA is directed to bring into the notice of the Electoral Officer BCA about the present order for needful.

(Contd.)

Relig

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

Copy to:

1. President, Bihar Cricket Association.

Email: [president@biharcricicketassociation.com](mailto:president@biharcricicketassociation.com)

2. Bihar Cricket Association, through its Acting Secretary

Email: [bca@biharcricicketassociation.com](mailto:bca@biharcricicketassociation.com)

3. Chief Executive Officer, Bihar Cricket Association

Email: [ceo@biharcricicketassociation.com](mailto:ceo@biharcricicketassociation.com)

4. Shri Navjot Yesu, Advocate

Email: [navjotlawyer@yahoo.co.in](mailto:navjotlawyer@yahoo.co.in)

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

Email: [president.bca.rkt@gmail.com](mailto:president.bca.rkt@gmail.com)

6. Shri Krishna Murari Prasad, Advocate

Email: [adv.krishnamurariprasad@gmail.com](mailto:adv.krishnamurariprasad@gmail.com)

*R Singh*