

BEFORE THE LEARNED OMBUDSMAN AND ETHICS OFFICER,  
BIHAR CRICKET ASSOCIATION,

(SHRI PARAS NATH RAI, RETD. SESSIONS JUDGE)

BINDYAWASHNI COMPLEX, C/O- HOTEL WELCOMER PALACE, R.K.  
BHATACHARYA ROAD, 6<sup>TH</sup> FLOOR, PATNA.

Ombudsman Case No. 03 OF 2023.

Hema Kumari Sinha.

...Petitioner

VERSUS

Bihar Cricket Association, through its Secretary & Ors.

...Respondents.

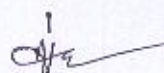
**ORDER**

09.06.2023 :

Case called out. The Ld. Counsel namely Satya Prakash, Adv. for the petitioner Hema Kumari Sinha is present. The Ld. Counsel of any of the Respondents even Bihar Cricket Association i.e. Respondent No. 1 and the Secretary, Bihar Cricket Association i.e., Respondent No. 2 are not present. While they were present on previous date.

A petition has been filed without affidavit on behalf of petitioner, it is accepted only for today and it should not be in practice. Ld. Counsel for the petitioner stating therein that the function of President, Vice President and Treasurer of Bihar Cricket Association should be restrained in the light of gravity of the case and the potential impact of the concurrent proceeding. He has further submitted that the petitioner is a candidate for the post of President in an election of Bihar Cricket Association scheduled to be held on 25.09.2022. It has been further submitted that the Electoral Officer has published draft electoral role in which 41 members were nominated but the name of Respondent No. 2, 3 & 6 does not found in it. Further, the electoral officer has published final electoral role containing the name of 32 members but the name of these three persons does not found in it. Despite they contested in election and their nomination was allowed and finally in collusion their names were cleared and they contested the election.

Further he has submitted that Rakesh Kumar Tiwari filed his nomination for the post of President, Dilip Singh filed nomination for the post of Vice President and



Ashutosh Nandan Singh filed nomination for the post of Treasurer which was in violation of Constitution of the Bihar Cricket Association. These respondents were elected uncontested because after scrutiny, a final list was prepared in terms of which the members of contesting candidates found eligible for the post of President, Vice President, Secretary, Treasurer and Councilor were found to be equal to the number of candidate contesting. It is also submitted that as per Rule 9(1) of Constitution of Bihar Cricket Association, the office bearers of the BCA shall be elected by the full members and by the former international member of BCA from amongst their representative at an Annual General Meeting. Rakesh Kumar Tiwari, Dilip Singh and Ashutosh Nandan Singh was not full members of BCA, neither they are former International Player nor they are representative of any District and they are illegally elected in BCA Election.

From perusal of records, it appears that as per Order dated 19.05.2023 notices were issued against Respondents' through their e-mail as well as speed post. Compliance of e-mail has been made and likewise the speed post did not return as yet meaning thereby the service of summon is valid.

After hearing the Ld. Counsel for the Petitioner and from perusal of constitution of the Bihar Cricket Association Rule 9(1) runs as follows :-

"9. *Election & Terms of office bearers :*

*(1) The following Office Bearers of the BCA shall be effected by the full members and the former International player members of the BCA from amongst their representatives at an Annual General Body Meeting :-*

*(a) The President*

*(b) The Vice-President*

*(c) The Secretary*

*(d) The Vice-Secretary*

*(e) The Treasurer."*

From perusal of Annexure-2 i.e., Draft Publication of Electoral Role by the office of Electoral Officer, Bihar Cricket Association (hereinafter referred to be as BCA), it is pertinent to note that ~~the~~ the name of Rakesh Kamar Tiwari, Dilip Singh and Ashutosh Nandan Singh does not found place. Similarly, Anenxure-3, the final publication of electoral role of BCA from the office of the Electoral Officer also goes to suggest that the name of these three officers were not available there. As per Rule

9 of the Constitution of BCA it is apparent that these three Respondents are not entitled to fight the BCA Election. Prima facie it goes to show that the petitioner has a good case and there is irreparable loss if these respondents are not restrained from day to day functioning of BCA.

Consequently, the prayer for the interim relief is allowed and the Respondent no. 2 Rakesh Kumar Tiwari, President, BCA, Respondent No. 3, Dilip Singh Vice President, BCA and Respondent No. 6 Ashutosh Nandan Singh, Honorary Treasurer of BCA are restrained from discharging and functioning their duties in the capacity of office bearer of BCA or member of COM of BCA till further orders.

In view of the fact narrated above they are directed to file their reply by 23.06.2023. Meanwhile send an extract of order to all concerned as well as BCCI for needful by the petitioner through e-mail and speed post both and file its receipts before the next date of hearing.

Put up this case on 23.06.2023.

Dated : 09.06.2023.

BY THE ORDER OF



**SHRI PARAS NATH RAI,  
RETD. SESSIONS JUDGE.  
OMBUDSMAN AND ETHICS OFFICER,  
BIHAR CRICKET ASSOCIATION**