

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

**(SHRI PARAS NATH RAI, RETD. DISTRICT & SESSIONS JUDGE)**

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

**OMBUDSMAN/BCA CASE NO. – 22 OF 2022.**

Anand Jee, President Samrat Cricket Club, Saran ...Petitioner  
VERSUS  
Bihar Cricket Association & Ors. ...Respondents.

**ORDER**

14.09.2023 :

The Ld. Counsel Shri Pratik Kumar present on behalf of Petitioner Anand Jee, President Samrat Cricket Club, Saran and has submitted two different petitions. By way of his petition dated 08.09.2023, he has prayed for early hearing in the case. By filing next petition dated 13.09.2023 he has prayed to pass Interim Ex-Parte order for staying the Election of BCA going to be held on 15.09.2023. He has also annexed the Order of Hon'ble High Court of Judicature at Patna dated 17.08.2023 passed in C.W.J.C. No. 18426 of 2022 Anand Jee, son of Shri Jitendra Kumar Singh Vs. the Bihar Cricket Association & Ors. He has also annexed the earlier order dated 27.09.2022, 23.10.2022, 14.12.2022 and 09.01.2023 of the then In-charge Ombudsman - cum- Ethics Officer, Bihar Cricket Association. Further he has submitted that due to resignation of the then Ombudsman, the case become silent and no progress has been made. It has been further submitted that the case be urgently heard as the BCA has announced Election through it's Notification No. BCA/Election/2023/1 dated 10.09.2023 of the office of the Electoral Officer, Bihar Cricket Association, camp Patna and has illegally given right of voting to illegal authorized person namely Indu Kumari wife of Sanjay Kumar Singh, Ex-President, Saran District Cricket Association, who has been illegally elected which has been under challenge by the petitioner, her name find place





at Si.No. 21 of the Notice publishing Electoral Roll of Bihar Cricket Association by Dr. M. Modassir, (IAS Retd.) an Electoral Officer, BCA.

Perused both petitions dated 08.09.2023 and 13.09.2023 and gone through earlier order of the then In-charge Ombudsman cum Ethics Officer as well as Order of Hon'ble High Court dated 17.08.2023 passed in C.W.J.C. No. 18426 of 2022 Anand Jee, son of Shri Jitendra Kumar Singh Vs. the Bihar Cricket Association&Ors. Also perused the case record.

From perusal of the detailed order dated 27.09.2022, it evidents that the then In-charge Ombudsman cum Ethics Officer has mentioned all claims of the petitioner in his Order Sheet and has directed to serve the hard copy of the Petition with attached copies of documents with hard copy of the order to all the Respondents and in due course of time notice was directed to be served upon the Respondents No. 2 to 6.

From perusal of the Notification dated 10.09.2023 of Electoral Officer of Bihar Cricket Association (hereinafter referred to be as BCA) Dr. M. Modassir. It goes to show that the Election for the post of Secretary, Chairperson of Governing Council (01 Post), Member / Convener of Governing Council (01 Post).

Since the claim regarding voting right of Saran District Cricket Association is challenged in the case and now Election is declared either erroneously, malafidely or interesting, it needs interference. The Hon'ble High Court in its Order dated 17.08.2023 has also given liberty to the Petitioner to seek remedy under ordinary course of law before Court of competent jurisdiction or any other appropriate forum as may be permissible to him. As per Lodha Committee Report and Constitution of BCA this Court / Authority has jurisdiction.

From perusal of Notification it appears that this Notification has been issued on 10.09.2023 giving opportunity to the District Cricket Association under Bihar (hereinafter referred to be DCA alongwith the District name), or concern persons or club were given opportunity to file their objections between 10:00 A.M. to 02:00 P.M. on 11.09.2023. Meaning thereby they have




only four hours to file objections and objections were heard at 03:00 P.:M. and onwards column no. 2 and 3. It has not been shown anywhere in notification as to what is hurry and why a limited hours were given for objections. It is clear that the illegal persons should not be removed from the list and right persons cannot file objections. It is against the Lodha Committee Report and the Constitution of BCA as well as the natural justice.

Under the circumstances, the Election which is going to be held on 15.09.2023 under Notification No. BCA/Election/2023/1 dated 10.09.2023 is hereby stayed till disposal of the petition and the Electoral Officer Dr. M. Modassir, (IAS Retd.) is directed to abstain himself and not to conduct the Election as scheduled by him. Send an extract of Order through e-mail of the Electoral Officer Dr. M. Modassir, (IAS Retd.), I.G. Registration, SSP and District Magistrate, Patna with a direction not to provide any assistance.

Issue fresh Notice regarding hearing of the case to all concerned through their e-mail and speed post. The cost will be borne by the Petitioner. Put up on 27.09.2023.

Dated :14.09.2023.

BY THE ORDER OF

  
14/09/2023

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

Ombudsman  
Bihar Cricket Associations

