

**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, 6TH FLOOR, PATNA.**

OMBUDSMAN/BCA CASE NO. – 06 OF 2023.

Kanchan Kumar.

...Petitioner

VERSUS

Electoral Officer, BCA & Ors.

...Respondents.

ORDER

14.09.2023 :

Case called out.

The Ld. Counsel Shri Abhijit Kumar for the Petitioner has pressed his case numbered as BCA/Ombudsman Case No. 06 of 2023. He has submitted that he has filed a Petition for early hearing as the matter is urgent.

In the petition which has been filed under Rule 45 of the Constitution of Bihar Cricket Association for setting aside the Notification No. BCA/Election/2023/1 dated 10.09.2023 regarding the BCA Election on 15.09.2023 for the post of Secretary issued by the Electoral Officer BCA Dr. M. Modassir (IAS Retd.), whereby and whereunder the BCA Election relating to the post of Secretary and others has been announced and going to be held on 25.09.2023.

It has been contended that the petitioner came to know through website that a decision has been taken by the Governing Council under Rule 31 of the Constitution of BCA for conducting the alleged illegal election relating to the post of Secretary and in this regard above notification has been issued by the said Electoral Officer. It has been averted that an another letter bearing no. BCA/Election/2023/7 dated 13.09.2023 was also issued by the Electoral Officer in which Ziaul Arfein nominated for the post of Secretary was not

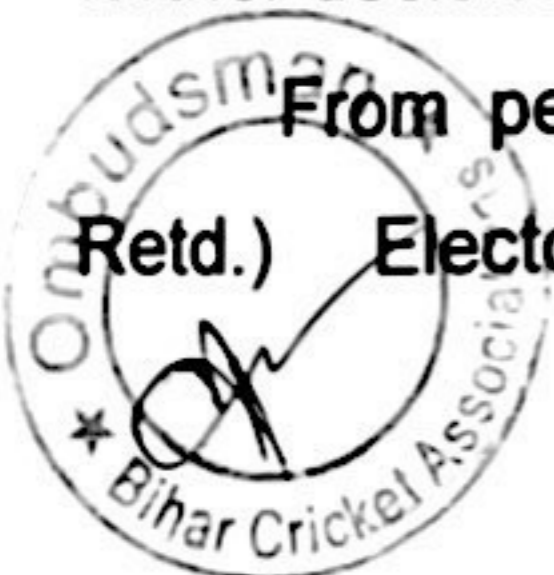


authorized by any committee of Management or AGM or SGM of Jehanabad District Cricket Association.

It has also been averted that for the period of 2022 – 2025 Mr. Amit Kumar was elected as Secretary of Bihar Cricket Association (hereinafter referred to as BCA) and at present he is working as Secretary with satisfaction of all concern. It has also been averted that alleged Vice President Mr. Dilip Singh and alleged Joint Secretary, Ms Priya Kumari has been debarred from day-to-day working and taking part in any activity of BCA for five years from the Court / Authority of Ombudsman in connection with Case No. BCA/E.O. No. 01 of 2023 Yoshita Patwardhan Vs. Bihar Cricket Association and Ors. vide its Judgment and Order dated 23.06.2023 which has also been uploaded on the website of BCA. Further the alleged President Mr. Rakesh Kumar Tiwari and Treasurer Ashutosh Nandan Singh has also been restrained from working of BCA from the Court / Authority of Ombudsman appertaining to Case No. 03 of 2023 Hema Kumar Sinha Vs. Bihar Cricket Association. In view of both the cases above named persons are neither authorized nor can take any decision for the BCA under Rule 31 in the capacity of the Member of Committee of Management. Further it has been averted that the Notification No. BCA/Election/2023/1 dated 10.09.2023 issued by the Electoral Officer BCA for the election and its final list prepared through notification no. BCA/Election/2023/7 dated 13.09.2023 under Rule 31 of the Constitution of Bihar Cricket Association, he is against the Constitution of Bihar Cricket Association and is illegal and against the natural justice.

It is further submitted that since the alleged election is going to be held in hurry, malafidely and against the interest of BCA, therefore it is prayed to stay the aforesaid both notification and its further proceeding. It is further submitted that the Petitioner is in the capacity of Secretary, DCA, Jehanabad filing this case with prayer to injunct the Electoral Officer, BCA from taking any further decision.

From perusal of Annexure-1, it is evident that Dr. M. Modassir (IAS Retd.) Electoral Officer, BCA vide his Office Notification No.



BCA/Election/2023/1 dated 10.09.2023 has issued election schedule in which at Si.No. 2 he has given time for submission of objection, if any to the names in the list displayed on 10.09.2023 is 10:00 A.M. to 02:00 P.M. on 11.09.2023. It means he has given only four hours to file objections by the aggrieved persons or club or DCA under the State. It goes to show his ill motive and malafide intention. It also goes to show that the aggrieved persons or club or DCA under the State may not file any objection against his decision which is clearly violation of Lodha Committee Report as well as BCA Constitution and natural justice. He is also ready to take election within two days from the finalization of list of voters. The Secretary DCA Jehanabad, an aggrieved person has rightly raised objection against the decision of Electoral Officer, who has not been given ample opportunity to raise objection or to hear.

Rule 9 of the Constitution of Bihar Cricket Association clearly shows as to who will fight for post of Secretary, BCA. The BCA is not a pocket addition of any of the person. Annexure-2 also creates doubt.

Consequently, the prayer for the interim relief is allowed and the Respondent No. 1 Electoral Officer Dr. M. Modassir (IAS Retd.) Bihar Cricket Association is hereby restrained to conduct election in the capacity of Electoral Officer till disposal of this Petition. Likewise Respondent No. 2 – Rakesh Kumar Tiwari, President, Bihar Cricket Association; Respondent No. 3 – Dilip Singh, debarred Vice President and Respondent No. 4 – Priya Kumari, debarred Joint Secretary are also restrained from their working till disposal of this petition.

The Electoral Officer is further directed not to conduct any election till disposal of the petition and submit his Reply.

Further the Notification No. BCA/Election/2023/1 dated 10.09.2023 and Notification No. BCA/Election/2023/7 dated 13.09.2023 is also stayed till the final disposal of this case.

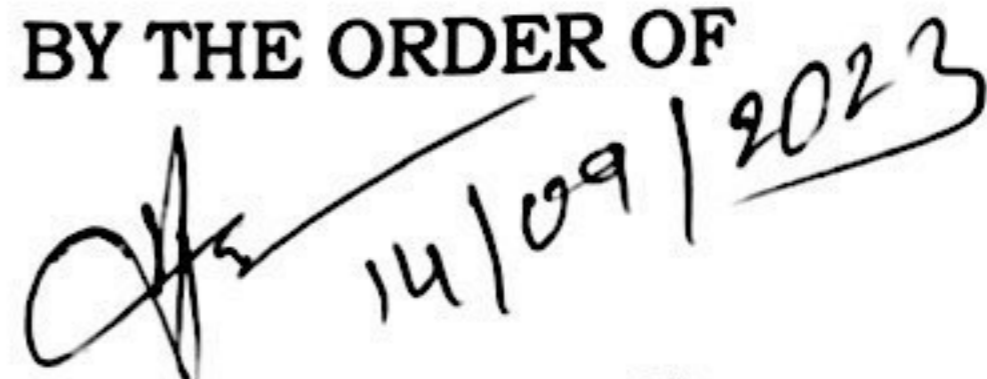
Send an extract of Order through e-mail of the Electoral Officer Dr. M. Modassir, (IAS Retd.), I.G. Registration, SSP, Patna and District Magistrate, Patna with a direction not to provide any assistance.



Issue Notice regarding hearing of the case to all concerned through their e-mail and speed post. The cost will be borne by the Petitioner. They are also directed to file their Reply. Put up on 06.10.2023.

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 Association