

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.840 of 2024**

**In**  
**Civil Writ Jurisdiction Case No.13405 of 2021**

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Nawal Kishore Singh Son of Late Alakh Narain Singh Resident of Village-Diha, P.S. Guraru, District- Gaya, Presently residing at Plot No. 4, Ashiyana Nagar, Phase -1, P.S. Rajiv Nagar, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition, Excise and Registration Department, Bihar, Patna.
2. Inspector General of Registration, Prohibition, Excise and Registration Department, Bihar, Patna.
3. Board of Control for Cricket in India, 4th Floor, Cricket Center, Wankhede Stadium D Road, Churchgate, Mumbai- 400020, India through its Secretary.
4. Chairman, Board of Control for Cricket in India, 4th Floor, Cricket Center, Wankhede Stadium D Road, Churchgate, Mumbai- 400020.
5. Secretary, Board of Control for Cricket in India, 4th Floor, Cricket Center, Wankhede Stadium D Road, Churchgate, Mumbai- 400020.
6. Bihar Cricket Association, Bindhya Wasani Commercial Complex, S.K. Bhattacharya Road, District- Patna, presently at 45C, Patliputra Colony, P.S. Patliputra , District- Patna 45C, Patliputra Colony, P.S. District- Patna, through its Secretary.
7. Committee of Management, Bihar Cricket Association, Bindhya Wasani Commercial Complex, S.K. Bhattacharya Road, District- Patna, Presently at 45C, Patliputra Colony, P.S. Patliputra , District- Patna 45C, Patliputra Colony, P.S. Patliputra , District- Patna.
8. President, Bihar Cricket Association, Bindhya Wasani Commercial Complex, S.K. Bhattacharya Road, District- Patna, Presently at 45C, Patliputra Colony, P.S. Patliputra , District- Patna 45C, Patliputra Colony, P.S. Patliputra , District- Patna.
9. Secretary, Bihar Cricket Association, Bindhya Wasani Commercial Complex, S.K. Bhattacharya Road, District- Patna, Presently at 45C, Patliputra Colony, P.S. Patliputra , District- Patna 45C, Patliputra Colony, P.S. Patliputra , District- Patna.
10. Kumar Rajnish , Son of Rathindra Prasad, Resident of Flat No.- 201, Shiv Priya Bihar Apartment, Kurji, Gosai Tola, Sadakat Ashram, Police Station- Patliputra, District- Patna.
11. Aditya Prakash Verma, Son of Sri Mahavir Prasad Verma, Resident of Lotus Apartment, Flat No. B-607, Road No. 1F, Sai Temple, Polytechnic Chowk, P.P. Colony, Opposite Church Road, Patliputra Colony (New), P.S.-



Patliputra, District- Patna, Pin Code- 800013, Secretary, Cricket Association of Bihar, B-607, Lotus Apartment, Patliputra Colony (New), P.S.- Patliputra, District- Patna, Pin Code- 800013.

... .. Respondent/s

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with

**Letters Patent Appeal No. 906 of 2024**

**In**

**Civil Writ Jurisdiction Case No.13405 of 2021**

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Bihar Cricket Association having its office at 45/c, Patliputra Colony, P.O. and P.S. Patliputra, Patna- 800013, through its Secretary Ziaul Arefin, Son of late Faizul Arefin, Resident of flat No. 201, Gorakh Nath Lila Apartment, Gorakh Nath Compound, East Boring Canal Road, P.O.-G.P.O. , P.S. Kotwali, District- Patna.

... .. Appellant/s

Versus

1. Aditya Prakash Verma Son of Shri Mahavir Prasad Verma, Resident of Lotus Apartment, Flat no B- 607, Road No 1F, Sai Temple, Ploytechnic Chowk, P.P. Colony, Opposite Church Road, Patliputra Colony (New), P.S. Patliputra , District- Patna, Pin Code- 800013, Cricket Association in Bihar, B-607, Lotus Apartment Colony (New), P.S. Patliputra , District- Patna, Pin Code- 800013.
2. The State of Bihar Through the Principal Secretary, Prohibition, Excise and Registration Department, Bihar, Patna.
3. Inspector General Registration, Prohibition, Excise and Registration Department, Bihar, Patna.
4. Board of Control for Cricket in India 4th Floor, Cricket Center, Wankhede Stadium D Road, Churchgate, Mumbai- 400020, India through its Secretary.
5. Chairman Board of Control for Cricket in India, 4th Floor, Cricket Center, Wankhede Stadium D Road, Churchgate, Mumbai- 400020.
6. Secretary Board of Control for Cricket in India, 4th Floor, Cricket Center, Wankhede Stadium D Road, Churchgate, Mumbai- 400020.
7. Committee of Management Bihar Cricket Association, Bindhya Wasani Commercial Complex, S.K. Bhattacharya Road, District- Patna, through its Secretary.
8. President Bihar Cricket Association, Bindhya Wasani Commercial Complex, S.K. Bhattacharya Road, District- Patna.
9. Secretary Bihar Cricket Association, Bindhya Wasani Commercial Complex, S.K. Bhattacharya Road, District- Patna.
10. Kumar Rajnish, Son of Rathindra Prasad Resident of Flat No.- 201, Shiv Priya Bihar Apartment, Kurji, Gosai Tola, Sadakat Ashram, Police Station-



Patliputra, District- Patna.

... .. Respondent/s

**Appearance :**

(In Letters Patent Appeal No. 840 of 2024)

For the Appellant/s	:	Mr. Sanjay Sinha, Advocate Mr. Satish Kumar Pandey, Advocate
For the State	:	Mr. P.K. Shahi, Advocate General
For Respondent No.9	:	Mr. Kumar Kaushik, Advocate Ms. Namrata Dubey, Advocate Mr. Vikash Kumar Jha, Advocate
For Respondent No.10	:	Mr. Hridyal Kumar, Advocate Mr. Pratik Kumar, Advocate
For Respondent No. 11	:	Mr. Abhinav Shrivastava, Sr. Advocate Mr. Raushan, Advocate Mr. Pushkar Bharadwaj, Advocate Mr. Shubham Priyadarshi, Advocate Ms. Shreyashi Raj, Advocate
For the BCA	:	Mr. Raju Giri, Sr, Advocate Mr. Harsh Vardhan, Advocate
For BCCI	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Parijat Saurav, Advocate

(In Letters Patent Appeal No. 906 of 2024)

For the Appellant/s	:	Mr. Raju Giri, Sr, Advocate Mr. Harsh Vardhan, Advocate
For BCCI	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Parijat Saurav, Advocate
For the State	:	Mr. P.K. Shahi, Advocate General
For Respondent No. 1	:	Mr. Abhinav Shrivastava, Sr. Advocate Mr. Raushan, Advocate Mr. Pushkar Bharadwaj, Advocate Mr. Shubham Priyadarshi, Advocate Ms. Shreyashi Raj, Advocate
For Respondent No.9	:	Mr. Ashhar Mustafa, Advocate Mr. Vikash Kumar Jha, Advocate Mr. Ashish Kr. Ranjan, Advocate Mr. Abu Nasar, Advocate Ms. Anita Kumari, Advocate
For Respondent No.10	:	Mr. Hridyal Kumar, Advocate Mr. Pratik Kumar, Advocate

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**CAV JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)**

**Date : 14-07-2025**



Heard learned counsel for the appellants and learned counsel for the respondents.

2. The instant appeal has been preferred by the appellants against the judgment dated 5.8.2024 passed in CWJC no.13405 of 2021 whereby the learned Single Judge taking note of the fact that the two retired District Judges namely Nawal Kishore Singh (appellant in LPA no.840 of 2024) and Paras Nath Roy, both continued to discharge function as Ombudsman, in exercise of powers under Article 226 of the Constitution of India, restrained both from functioning as Ombudsman and proceeded to appoint Hon'ble Shailesh Kumar Sinha, J (retired) as Ombudsman with the observation that the new Ombudsman will decide all the complaints made against the office bearers of the **Bihar Cricket Association** ('**BCA**' in short) in accordance with the bylaws of the BCA and he will also examine the complaints and decide the same in accordance with the rules and regulations of the BCA.

3. It is against this judgment dated 5.8.2024 that both Nawal Kishore Singh and the BCA through its Secretary, Ziaul Arefin have preferred the instant appeals.

4. The case of the writ petitioner/Secretary of the **Cricket Association of Bihar** ('**CAB**' in short) in brief is that



the CAB is an association registered under the Societies Registration Act, 1860 with the objective of working towards the development and growth of the game of cricket in the State of Bihar. The **Board of Control for Cricket in India** ('BCCI' in short) is a body registered under the Tamil Nadu Societies Registration Act, 1975 with its memorandum of association and rules and regulations having been registered under the Societies Registration Act.

5. It was the case of the writ petitioners that though the object and purpose of BCCI is to encourage formation of State, regional and other Cricket Associations for promotion and development of the game, however there has been a complete failure on part of the BCCI in achieving its objectives in the State of Bihar.

6. The order dated 2.1.2017 passed in Civil Appeal no.4235 of 2014 by the Supreme Court led to appointment of the **Committee of Administrators** ('CoA' in short), which was to supervise the administration of the BCCI through its Chief Executive Officer. The Committee was constituted on 17.1.2017 and they were entrusted with the responsibility to prepare a draft Constitution in accordance with the Supreme Court Judgment in the case of **Board of Control for Cricket in India vs. Cricket**



**Association of Bihar; (2015) 3 SCC 251.** The CoA prepared a draft Constitution and submitted the same. The Supreme Court by its order dated 9.8.2018 approved the same and further directed that upon presentation of the same by the CEO, the Registrar of Societies under the Tamil Nadu Societies Registration Act shall register the same and each of the members shall undertake registration of their respective Constitutions on similar lines within a period of 30 days thereafter. It further observed that in the event of any of the State Associations not undertaking compliance with the directions contained therein, the orders dated 7.10.2016 and 21.10.2016 shall revive.

7. It may be mentioned here that by order dated 7.10.2016 in Civil Appeal no.4235 of 2014 (BCCI vs. Cricket Association of Bihar), the Supreme Court had directed that in terms of the resolution of the Annual General body Meeting ('AGM' in short) of the BCCI passed on 9.11.2015 or subsequent resolution, no further amount was to be disbursed to the State Associations till the State Association passes a proper resolution to the effect that it is agreeable to undertake and to support the reforms as proposed and accepted by the Court. It was only upon the resolution being passed and a copy of the



same being filed before the Justice Lodha Committee with an affidavit of the President, State Association undertaking to abide by the reforms as proposed by the Committee that the BCCI was to transfer the balance amount of Rs.16.73 crores payable to the State Association. Further by order dated 21.10.2016, directions were issued on similar lines by the Supreme Court to the BCCI to desist from disbursement of funds till the State Association adopts a resolution undertaking to implement the recommendation of the Committee as accepted by the Court.

8. It was the case of the writ petitioners that a representation was filed on 15.7.2020 before the members of the Apex Council of BCCI bringing to their notice that the Constitution of the BCA had still not been registered and the BCA not having complied with the directions of the Supreme Court. The CoA had erred in giving recognition to the BCA. It was submitted that the BCA be de-recognized with immediate effect and no activities of Cricket should be conducted through them.

9. It was further case of the writ petitioners that pursuant to the ongoing dispute between the parties of the BCA, the operation of the account of the BCA was stopped/freeze as communicated to the BCA vide letter dated 7.9.2020. The



freezing of the bank account as also the irregularities prevalent were brought to the notice of the authorities of the BCCI, however no action having been taken by the BCCI, the writ petitioners' Association filed an Interlocutory Application in Civil Appeal no.4235 of 2014 in the Supreme Court.

10. By order dated 9.12.2020 passed in Civil Appeal no.4235 of 2014, the Interlocutory Application filed by the writ petitioner was disposed of giving liberty to the applicants to resort to appropriate remedies and approaching the suitable forums.

11. It is pursuant thereto that a representation dated 16.12.2020 was filed by the writ petitioner before the BCCI, however no action having been taken, the writ application being CWJC no.13405 of 2021 was filed by the writ petitioner for the following relief(s) :-

- “(i) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Board of Control for Cricket in India, Mumbai (hereinafter referred to as "BCCI") to derecognize and disaffiliate Bihar Cricket Association, Patna (hereinafter referred to as "BCA") as an affiliate member of BCCI;*
- (ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent*



*authorities under BCCI to take steps towards conducting an enquiry into the charges of corruption, maladministration and mismanagement of BCA while regulating and managing the game of cricket in the State of Bihar and take necessary corrective measures against the wrongdoers;*

*(iii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under BCCI to consider Cricket Association of Bihar for recognition and affiliation as an affiliate member of BCCI for the purposes of regulating, running and managing the game of cricket and other connected activities in the State of Bihar;*

*(iv) Issuance of an ad interim direction upon BCCI to forthwith constitute an ad-hoc body/committee to take over the control of management of the game of cricket in the State of Bihar and direction upon BCA to refrain from acting in any manner with respect to the matter of running/managing the affairs of the game of cricket in the State of Bihar during the pendency of the present writ application before this Hon'ble Court;*

*(v) Any other relief that the petitioner may be found to be entitled to in the facts and circumstances of the present case.”*

12. A counter affidavit was filed on behalf of the BCA



sworn by one Amit Kumar describing himself as the elected Secretary of the BCA. He stated in his affidavit that in view of the sorry state of affairs of the BCA, it was expedient to facilitate a thorough and impartial probe/enquiry into the charges of corruption, maladministration and mismanagement of the BCA. Thus he supported the writ petitioner so far as this prayer is concerned. With respect to the other prayers, it was submitted that the writ petitioner has already approached the Supreme Court and thus the other reliefs are not maintainable. Further perusal of the affidavits filed would show that he has serious differences with one Mr. Rakesh Kumar Tiwari, who was selected as the President of BCA on 25.9.2022 and as per his case who in conspiracy with others did not permit him to discharge his functions as the newly elected Secretary. He further makes allegations against the President of not signing the audit report which he was required to sign as per the Constitution of BCA. He also states about the Title Suit no.75 of 2023 having been filed by the BCA through him seeking direction against the President to handover charge of the post of the Secretary to the deponent.

13. Mr. Amit Kumar further states that Mr. Nawal Kishore Singh, retired District and Sessions Judge was



appointed as Ombudsman. However in the special general meeting of the BCA held on 4.2.2023, his appointment as Ombudsman of the BCA was withdrawn for the reason that before his appointment, there was neither any agenda nor any discussion on his name and further Rakesh Kumar Tiwari, President was restrained from functioning in the capacity of the President of the BCA for his illegal and anti-association activities. It further transpires that the resolution further constituted a three men Committee to enquire into the illegal acts done by Rakesh Kumar Tiwari, President of the BCA.

14. It further transpires from the contents of the supplementary counter affidavit of the BCA sworn by Amit Kumar that one Paras Nath Roy was appointed as Ombudsman and his appointment was confirmed by the members attending the AGM on 4.6.2023. The deponent proceeds to state about the decision having been taken in an emergent meeting resolving that the signatories in the bank account of the Association be changed and the same be operated under the joint signature of the President and the treasurer. He states about the Constitution having been approved with amendments without prior leave having been taken from the Supreme Court, the game of Cricket having suffered in the State as a result of poor performance by



the players and importance being given to former Ranji players with very average track record. It was thus submitted that an impartial probe with respect to the affairs of the BCA for the past six years be carried out which would be the only way to restore the standard of cricket in the State of Bihar.

15. Subsequently, further affidavits were filed in the case on behalf of the BCA sworn by one Ziaul Arefin, who as per the statement was elected as the Secretary of the BCA on 15.9.2023 after removal of the erstwhile Secretary Amit Kumar by the Ombudsman on 30.5.2023. In the affidavits filed it has been stated by Ziaul Arefin that the allegations levelled in the writ petition are incorrect. The BCA is running as per its bylaws under the supervision and control of the BCCI. The players being selected are meritorious and have been selected by the duly appointed Selection Committee. It has further been stated that the CAB is not a recognised body and the Committee of Administrators ('CoA' in short) appointed by the Hon'ble Supreme Court was of the opinion that for the cricketing activities in Bihar, the BCCI should continue dealing with the BCA. It has been stated that the BCA is discharging its obligations and duties of improving the quality and standard of the game of cricket within the State of Bihar. With the BCCI



having amended its constitution, a similar prayer was made by the BCA in the Hon'ble Supreme Court seeking withdrawal of the earlier application filed and for permission that after making necessary amendments in the constitution of the BCA in line with the constitution of the BCCI, to file the same. It was stated that the BCA was illegally prevented from operating its account in the bank on account of the erstwhile Secretary having filed a writ petition against his removal.

16. In the affidavit filed on behalf of the BCA sworn by the Secretary Ziaul Arefin it was further stated that the allegations of corruption, misappropriation of money, maladministration, etc. made in the writ petition against the BCA are false, incorrect, vague and unsubstantiated. These issues can be raised by the writ petitioner before the Ombudsman of BCA. There is a properly elected body in the BCA running its management and administration. All the funds granted by the BCCI are being properly utilised and are subject to audit reports.

17. It was further stated by Ziaul Arefin in the counter affidavit filed on behalf of the BCA that the AGM of the BCA was held on 28.8.2022, wherein it was decided that the Ombudsman Raghvendra Prasad Singh would continue for one



more year till a new Ombudsman is appointed. The Committee of Management (“CoM’ in short) in its meeting held on 30.12.2022 decided to restrain the erstwhile Secretary Amit Kumar from functioning in the said capacity and on 2.1.2023 decided to appoint retired District and Sessions Judge Mr. Nawal Kishore Singh as Ombudsman for a year. This appointment of Nawal Kishore Singh is as per the bylaws of BCA and has the approval of the BCCI.

18. It was stated in the affidavit of BCA sworn by Ziaul Arefin that the ex-Secretary Amit Kumar continues his illegal act and not having the powers still appointed one Mr. Paras Nath Roy as the Ombudsman. One Manoj Kumar lodged an FIR being Patliputra P.S. Case no.421 of 2023 on 26.5.2023 against Amit Kumar and Paras Nath Roy for operating the forged website of BCA and illegally using its logo. The decision of the Committee of Management removing the erstwhile Secretary Amit Kumar was approved by the Ombudsman by his order dated 30.5.2023. It is stated the Nawal Kishore Singh is the Ombudsman-cum-Incharge Ethics Officer.

19. On 10.9.2023, a special general body meeting (‘Special GBM’ in short) of the BCA was held for election to the vacant posts including the post of Secretary. A final list of



elected candidates was issued on 15.9.2023, wherein Ziaul Arefin is shown elected as the new Secretary of the BCA.

20. Ziaul Arefin further proceeds to state that in the teams/players selected by the Selection Committee, their details along with the records relating to their age are forwarded by the BCA to the BCCI and only after receiving their approval that the players are allowed to participate in the matches. Allegations levelled by the writ petitioner are contrary to the facts and have been made in a planned manner at the behest of the erstwhile Secretary Amit Kumar to malign the image of BCA and of cricket in the State of Bihar. It is stated that the cricketing activities in Bihar are being conducted in a proper manner and one of its players has also been selected in the IPL team of Kolkata Knight Riders. As such, it was submitted that there being no merit in the writ petition, the same be dismissed.

21. In the counter affidavit, filed on behalf of the BCCI it was stated that the writ petitioner does not have *locus standi* to file the writ petition and the same filed under Article 226 of the Constitution of India is not entertainable. The allegations mainly pertain to internal functioning of the BCA and the averments made in the writ petition are internal disputes of the BCA besides being disputed questions of fact. Relying on



the judgment dated 29.4.2022 of this Court in CWJC no.2809 of 2022 (DB) (Kumar Arvind vs. Bihar State Cricket Association & Ors.) it was submitted that the writ petition is not maintainable. The CAB had earlier filed a writ petition (WP no.2550 of 2009) before the Bombay High Court for recognizing the CAB as a full member of BCCI. The same was dismissed on 13.12.2010 against which SLP (C) no.4700 of 2011 preferred by the CAB in the Hon'ble Supreme Court is pending.

22. It was further stated in the counter affidavit filed on behalf of the BCCI that in its order dated 4.1.2018 passed in Civil Appeal no.7645 of 2011, the Hon'ble Supreme Court directed that the State of Bihar shall be eligible to participate in the Ranji Trophy and similar competitions and the incumbent BCA which has been elected by virtue of the order passed in SLP (C) no.35160 of 2013 shall be In-charge of the same. The CoA appointed by the Hon'ble Supreme Court was also of the view that BCCI should continue dealing with BCA for cricketing activities in Bihar. The CoA provided a list of members of BCCI wherein they recognized the BCA as a full member of the BCCI representing the State of Bihar.

23. It was further stated by the BCCI in its counter



affidavit that the issue of approval and registration of the constitution of BCA is under active consideration of the Hon'ble Supreme Court. The BCA had sought approval of the Apex Court for its draft constitution. The Hon'ble Supreme Court directed it to submit a copy of the same to the BCCI who is to furnish its report as to whether the draft constitution is in compliance of its directions. It was stated that the petitioner has also filed an application before the Hon'ble Supreme Court with similar allegations as in the present case. So far as the situation in BCA is concerned, there is a properly elected body running the management, control and administration and further an Ombudsman is functional in the State of Bihar to look into any complain or grievance against the functions of the elected body. It was stated that the BCCI does not have any provision of forming adhoc committees over the State associations. It was thus prayed that the writ petition be dismissed.

24. By judgment dated 5.8.2024, the learned Single Judge was pleased to dispose of CWJC no.13405 of 2021 holding that the presently functioning Ombudsman was illegally appointed in the meeting of the CoM in brazen violation of the approved rules and regulations of the BCA and thus was restrained from functioning as Ombudsman. The learned Single



Judge proceeded to appoint a retired High Court Judge as an Ombudsman observing that he will decide all the complaints made against the office bearers of the BCA in accordance with the bylaws of the BCA after hearing the concerned parties. It was further observed that the Ombudsman, who will get an honorarium of Rs.2.5 lacs per month, will also examine the complaints as indicated in the judgment and decide the same in accordance with the rules and regulations of the BCA.

25. It is against this judgment of the learned Single Judge that while LPA no.840 of 2024 was preferred by one of the Ombudsmen namely Nawal Kishore Singh, a retired District Judge, LPA no.906 of 2024 has been preferred by the BCA through its Secretary Ziaul Arefin.

26. Heard Mr. Raju Giri, learned senior counsel for the BCA (appellant in LPA no.906 of 2024), Mr. Sanjay Sinha, learned counsel for Nawal Kishore Singh (appellant in LPA no.840 of 2024) and Mr. Abhinav Shrivastava, learned senior counsel for Aditya Prakash Verma/writ petitioner. Also heard Mr. Bindhyachal Singh, learned senior counsel for the BCCI, Mr. Ashhar Mustafa and Mr. Kumar Kaushik, both learned counsels appearing for the Secretary of the BCA/Amit Kumar, in the two appeals. Also heard learned counsel for the State of



Bihar and the interveners.

27. Mr. Raju Giri, learned senior counsel appearing for the BCA/appellant submitted that the writ petition filed under Article 226 of the Constitution of India was not maintainable and an interlocutory application (I.A no.223712 of 2023) has already been filed by the writ petitioner in the Hon'ble Supreme Court in Civil Appeal no.4235 of 2014. It was submitted that the CAB had filed a writ petition (WP no.2550 of 2009) in the Bombay High Court for recognition of CAB as a full member of the BCCI. The said writ petition having been dismissed on 13.12.2010, Civil Appeal no.7645 of 2011 has been preferred in the Hon'ble Supreme Court, which is pending. Learned senior counsel submitted that the CAB is not a recognised body and the CoA appointed by the Hon'ble Supreme Court was of the opinion that the BCCI should continue to deal with the BCA for cricketing activities in the State of Bihar. The BCA has been recognised as the member of the BCCI in the list submitted by the CoA in the Hon'ble Supreme Court. As per the Memorandum of Association as also the rules and regulations of the BCCI, as each State is to be represented by only one **State Cricket Association** ('SCA' in short), it is the BCA which is representing the State of Bihar



being a full member of the BCCI. The constitution of the BCA not having been amended in line with that of the BCCI, the BCA filed an application in the Supreme Court. The Hon'ble Supreme Court disposed of the same on 8.1.2024, directing the BCA to bring its constitution in conformity with the constitution of the BCCI as approved by the Court. The BCA was further directed to submit its draft constitution to the BCCI and the BCCI was to furnish a report as to whether the same was in compliance of the directions of the Hon'ble Supreme Court, to the *amicus curiae* for placing the same before the Court.

28. Learned counsel appearing for the BCA further submitted that the BCA has already submitted its audited statement of accounts and balance-sheets for the years 2016-17 to 2021-22 to the BCCI and the funds granted by the BCCI are being properly utilised. It was submitted that the selection of players is being done on merit by the duly appointed Selection Committee. With respect to the selection of teams for participating in different tournaments and especially their date of birth, it was submitted that the details of the players are forwarded to the BCCI and only on receipt of the permission that the players are permitted to participate in the matches.

29. It was further submitted that in the AGM of the



BCA held on 28.8.2022, it was decided that Ombudsman Raghvendra Prasad Singh would continue for one more year or till a new Ombudsman is appointed. Learned counsel in reference to the documents brought on record in the writ application submitted that in the meeting of the CoM held on 30.12.2022, it was decided to restrain Mr. Amit Kumar from functioning as Secretary of the BCA. In an emergent meeting of the CoM of the BCA held on 2.1.2023, retired District Judge Nawal Kishore Singh was appointed Ombudsman. Further in the Special GBM held on 12.2.2023, it was decided that the account of the BCA would now be operated under the joint signature of the President and the Treasurer. Learned senior counsel submitted that Amit Kumar, ex-Secretary, inspite of having been removed continued to exercise his power illegally and even after his removal appointed Mr. Paras Nath Roy as an Ombudsman. He neither had power nor was any meeting of the AGM convened. Learned counsel proceeded to make submissions on the facts of the case, as already narrated herein above, and concluded by submitting that the cricketing activities in the State of Bihar are being managed properly and there is no maladministration or any financial irregularities. The prayer made by the writ petitioner in the writ petition was



misconceived, devoid of merit and fit to be rejected. Learned Single Judge had erred in allowing the writ application and thus, the order impugned be set aside and the instant appeal be allowed.

30. Mr. Bindhyachal Singh, learned senior counsel appearing for the BCCI submitted that the BCCI is not a disciplinary authority/body controlling the SCAs. With respect to grant of affiliation, it was submitted that the CAB on an earlier occasion had already moved the Bombay High Court in a writ application which was dismissed on 13.12.2010, against which the SLP preferred by the CAB is pending in the Hon'ble Supreme Court. With respect to the membership of the BCCI it was submitted that the CoA had provided a list of members of the BCCI to the Hon'ble Supreme Court, wherein the BCA was recognised as its member. Learned senior counsel submitted that the CAB had also filed an interlocutory application with similar reliefs in the Supreme Court and the same was pending.

31. Learned senior counsel for the BCCI further submitted that the allegations of irregularities, misappropriation of money and maladministration alleged by the CAB in the writ petition were vague and unsubstantiated. These issues can be raised by the petitioner before the learned Ombudsman of BCA



for adjudication.

32. It was submitted that the constitution of the BCCI does not have any provision of forming ad hoc committees over SCAs and an independent dispute resolution mechanism in the form of an Ombudsman already being functional in the State of Bihar, it could look into the complaint against the functions of the elected body. Learned senior counsel submitted that there was no merit in the writ application and the same ought to have been dismissed.

33. Mr. Abhinav Shrivastava, learned senior counsel appearing for the CAB/writ petitioner submitted that from the very outset it is the stand of the writ petitioner that he would not be pressing the relief nos. (i) and (iii) made in paragraph no.1 of the writ application i.e. (1) to derecognise and disaffiliate BCA as an affiliated member of the BCCI and; (2) for a direction to the BCCI to consider the CAB for its recognition and affiliation as an affiliate member.

34. Learned senior counsel appearing for the CAB submitted that the writ application filed under Article 226 of the Constitution of India was maintainable in view of the judgment of the Hon'ble Supreme Court in the case of BCCI vs CAB (supra). The issue raised in the writ petition filed in the Bombay



High Court was different and would not have a bearing on the relief sought in the instant writ application. It was submitted that contrary to the directions of the Hon'ble Supreme Court the BCA had not got its draft constitution registered and no steps were taken by it from 2018 to 2024. The players holding Aadhar Card of Uttarakhand played for the State of Bihar and it is for this reason that an independent enquiry has been prayed for. In view of these omissions, as per the directions of the Hon'ble Supreme Court not a single farthing was to be paid, however, the BCCI continued payment to the BCA for a period of six years.

35. Learned senior counsel appearing for the CAB further submitted that besides the above the other complaints levelled against the BCA have been stated in detail in paragraph no.62 of the judgment of the learned Single Judge. For ready reference the same is being reproduced herein below :-

*“62. The following complaints have been made by the petitioner, respondent no.9 and the intervenor – respondent no.10 :-*

*62(i). Ever since Rakesh Kumar Tiwari was elected as the President of the BCA on 29.09.2019, the entire power of the BCA has virtually been centralized in the office of the President. It is a matter of record that on 29.09.2019, the election of office bearers of the*



*BCA was held in which Rakesh Kumar Tiwari was elected as the President and one Sanjay Kumar was elected as Secretary, but barely after three months, the elected Secretary was suddenly removed in the Annual General Meeting dated 31.01.2020, which was convened with some other agenda. Though the Joint Secretary was vested with the power of the Secretary but the Joint Secretary was also removed in the emergent meeting of the Committee of the Management dated 16.08.2021 and on the same day, all the powers of the Secretary and Joint Secretary was illegally vested with the President. The usurpation of power of Secretary and other office bearers by the President is against Rule 18(1)(iv) of the Rules and Regulations of the BCA, which provides that there must be distribution and balance of authority in the management of the BCA so that no single individual has unfettered powers.*

*62(ii). Moreover, the removal of successive Secretary of the BCA also offends Rule 45(1)(b) of the Rules and Regulations of the BCA, which reads as under:-*

*“45(1)(b) Deteriment caused by Member or Administrator If any Member or any Administrator of the BCA commits any act of indiscipline or misconduct or acts in any manner which may or likely to be detrimental to the interest of the BCA or the game of cricket or endanger the harmony or affect the reputation or interest*



*of the BCA or refuses or neglects to comply with any of the provisions of the Memorandum an/or the Rules & Regulations of the BCA and/or the Rules of conduct framed by the BCA, the Committee of Management, on receipt of any complaint shall issue a Show Cause Notice calling for explanation and on receipt of the same and/or in case of no cause or insufficient cause being shown, refer the same to the Ombudsman.*

*Procedure:- The Ombudsman shall, after providing opportunity of hearing to the parties concerned, pass an appropriate order.”*

*As per the aforesaid Rule, the power to take disciplinary action against office bearers of the Association can only be exercised by the Ombudsman. In the aforesaid Rule, it is clearly stated that on receipt of any complaint against any office bearer or member of the Association, show cause notice shall be issued by the Committee of Management calling for explanation and in case, no sufficient cause is shown, his/her case would be forwarded to the Ombudsman and the Ombudsman after providing an opportunity of hearing to the parties concerned, shall pass appropriate order. Admittedly, in the present case, the aforesaid Rule has not been followed and the successive Secretary was removed in the Annual General Meeting of the BCA without any jurisdiction.*



62(iii). *The conduct of the President also offends Rule 10(1)(d) of the Rules and Regulations of the BCA, which stipulates that “The President shall, in the event of a vacancy or indisposition of an office bearer, delegate the functions to another Office Bearer until the vacancy is duly filled up, or the indisposition ceases”.*

*Thus, as per the aforesaid Rule, the President can only delegate the functions of any vacant office bearer to another office bearer. The aforesaid Rule does not permit the President to assume the functions of any vacant office bearer. While examining the import of Rule 10(1)(d) and 18(1)(iv), Sri Raghvendra Singh (Retired District Judge), Ethics Officer of the BCA in his order dated 20.09.2022 also disapproved this action of the President and directed him to immediately relinquish the charge of the vacant office of the Secretary and hand over the charge of the same to any other office bearer. However, irrespective of the above order of the Ethics Officer, the respondent no.9, who was duly elected as Secretary on 25.09.2022, was also removed in the meeting of the Committee of Management dated 30.12.2022 and 12.02.2023 and the President again assumed the functions of the Secretary.*

62(iv). *In the present case, the mandate of Rule 17(9)(a) of the Rules and Regulations of the BCA was also flouted as the aforesaid Rule clearly states that in case there is any vacancy in Committee of Management, the*



*same shall be filled within 45 days. However, the office of the Secretary was deliberately kept vacant all through so that the President may continue to discharge the crucial functions of the Secretary as well.*

*62(v). The President also flouted Rules 10(5)(c), 25(2) and 47 of the Rules and Regulations of the BCA, which provide that the bank account of the BCA shall only be operated under the joint signatures of the Secretary and the Treasurer, but disregarding the above Rules, the signatory in the Bank account was changed in the meeting of the Committee of Management dated 16.08.2021 and it was resolved that henceforth the account of the BCA shall be operated under the joint signatures of the President and the Treasurer. This decision was again reiterated in the Special Annual General Meeting dated 12.02.2023. Thus, the action of the President and the BCA is violative of the order of the Hon'ble Supreme Court.*

*62(vi). In the emergent meeting of the Committee of Management dated 02.01.2023, an Ombudsman was appointed but, Rule 44(1) clearly states that "the BCA shall appoint an Ombudsman at the Annual General Meeting for the purposes of providing an independent dispute resolution mechanism". Hence, as per the aforesaid Rule, it needs no clarification that an Ombudsman can never be appointed in a meeting of the Committee of Management and on this consideration alone, an earlier appointed*



*Ombudsman was restrained from discharging her function vide order dated 06.03.2020 passed in C.W.J.C. No.4868 of 2020.*

*62(vii). Though the decision of appointment of Ombudsman dated 02.01.2023 was later withdrawn in the Special General Meeting dated 04.02.2023 requisitioned in accordance with law by 17 full members of the BCA, but the President still continue treating him as Ombudsman with oblique motive. Further, he abused his official power and ensured registration of the F.I.R. against Sri Paras Nath Roy, who was later appointed as Ombudsman on 04.06.2023 as he was not yielding to the desire of the President and was passing orders against him.*

*62(viii). It appears that the election of Rakesh Kumar Tiwari as President of the BCA is itself tainted as he has never been the representative of any full member of the Association. This clearly transpires from the pleadings of the writ petition as also from the orders dated 09.06.2023 and 25.08.2023 passed by the Ombudsman. The above orders derive its strength from Rule 9(1) of the Rules and Regulations of the BCA, which stipulates that the office bearers of the BCA shall be elected by the full members and former international player members of the BCA from amongst their representatives at an Annual General Body Meeting but he still managed to continue on his post.*



62(ix). *A Three Men Committee was constituted in the meeting of the Committee of Management dated 17.06.2022 for appointment of selectors when it is expressly provided under Rule 29(2)(ii) that the power to appoint selectors is vested exclusively in the Annual General Meeting. The Vice President and the Joint Secretary of the BCA were designated as Chairman and Convenor of the said Three Men Committee and the said Three Men Committee rejected the candidature of at least two former national players namely, Rajesh Chouhan and Doda Ganesh and appointed their own favourites as Selectors, who then returned obligation by selecting one Shivam Singh (son of the Vice President) and G.D. Choudhary (son of Joint Secretary) in the Men's Cricket Team. There cannot be a more brazen example of conflict of interest and travesty of justice.*

62(x). *The entire affairs of the BCA has essentially been reduced to a one man show and this has miserably affected the cause of cricket in the State of Bihar. Players from outside Bihar were allowed to be inducted in the Men's Team on the basis of forged and fabricated certificates and this was rather done on routine basis. It is unfortunate that all these issues were repeatedly brought to the notice of the BCCI, which rather dealt with the issue in a very casual and perfunctory manner."*

36. It was thus submitted by learned senior counsel



appearing for the CAB/writ petitioner that the authorities under BCCI be directed to conduct an enquiry into the charges of corruption, maladministration and mismanagement of the BCA, to take necessary corrective measures against the wrongdoers and further direction be issued upon the BCCI to forthwith constitute an ad-hoc committee to take over control of management of the game of cricket in the State of Bihar. With respect to the application filed by the CAB in the Supreme Court, it was submitted that steps have been taken for withdrawal of the same. It was also submitted that steps have also been taken for withdrawal of Title Suit no.75 of 2023 filed by Amit Kumar, Secretary of BCA against Rakesh Kumar Tiwari, the President of BCA and others. Learned senior counsel thus submitted that the order of the learned Single Judge, impugned herein, need not be interfered with and the appeal be dismissed.

37. Mr. Sanjay Sinha, learned counsel appearing for Nawal Kishore Singh (appellant in LPA no.840 of 2024) submitted that the Hon'ble Single Judge ordered restraining the appellant from functioning as Ombudsman without his being impleaded as a party respondent and without hearing him. This was clearly in violation of principles of natural justice and no



prayer to this effect had been made in the writ application. Learned counsel submitted that the writ petitioner had suppressed material fact of another writ application with similar relief having been filed by him before the Bombay High Court and on dismissal of the same, the matter being pending before the Hon'ble Supreme Court. It was submitted that not taking into consideration that the powers of Amit Kumar had been seized in the AGM held on 30.12.2022, the learned Single Judge granted approval to the activities of the said Amit Kumar. He also failed to take into consideration that Title Suit no.75 of 2023 filed by Amit Kumar against Rakesh Kumar Tiwari, the President of the BCA, was pending before the learned Sub Judge-I, Patna wherein only the disputed questions of fact could be decided. Learned counsel submitted that there were clear cut two contrary counter affidavits filed on behalf of the BCA; one being filed by Ziaul Arefin, the present Honorary Secretary while the other by Amit Kumar, the erstwhile Honorary Secretary. It is submitted that this appellant was appointed as Ombudsman-cum-In Charge Ethics Officer for a period of 1 year in the AGM held on 15.9.2023 and there being no dispute with respect to the said meeting, the appellant has been restrained from functioning as Ombudsman. It was thus prayed



that the judgment impugned be set aside and the appeal be allowed.

38. Having heard learned counsel for the parties and having perused the material on record, the first question arising for consideration is with respect to the maintainability of the writ application filed under Article 226 of the Constitution of India by the CAB.

39. In the case of **Zee Telefilms Ltd. & Anr. vs. Union of India & Ors.; (2005) 4 SCC 649**, the Hon'ble Supreme Court proceeded to hold that the BCCI cannot be held to be a State for the purpose of Article 12 of the Constitution and consequently the writ petition filed under Article 226 of the Constitution of India was not maintainable and the same was dismissed. Subsequently in the case of BCCI vs CAB (supra), in answering the question framed by it as to whether the BCCI is a 'State' within the meaning of Article 12 of the Constitution and if it is not whether it is amenable to the writ jurisdiction of the High Court under Article 226 of the Constitution of India, the Hon'ble Supreme Court proceeded to hold that though the BCCI may not be a State under Article 12, but is certainly amenable to writ jurisdiction under Article 226 of the Constitution.



40. In view of the above pronouncement by the Hon'ble Supreme Court in the aforesaid two judgments, there remains no doubt that an application under Article 226 of the Constitution of India would be maintainable against the BCCI.

41. The Hon'ble Supreme Court in the case of BCCI vs CAB (*supra*) taking note of the fact that the Justice Mudgal Committee had found some persons guilty of betting proceeded to constitute a Committee comprising of Hon'ble Mr. Justice R.M. Lodha, Hon'ble Mr. Justice Ashok Bhan and Hon'ble Mr. Justice R.V. Raveendran (hereinafter referred to as the 'Lodha Committee') to determine the quantum of punishment to be imposed upon them as also their respective franchises/teams. By subsequent orders the Lodha Committee was also asked to examine and make suitable recommendations with respect to amendments in the Memorandum of Association of the BCCI as also the rules and regulations for streamlining the conduct of elections etc. The Committee made recommendations by submitting its report and the same was accepted by the Hon'ble Supreme Court with certain modifications/clarifications.

42. It would be relevant to mention here that by order dated 4.1.2018, passed in Civil Appeal no.7644 of 2011 (Cricket Association of Jharkhand, Jamshedpur & Anr. vs. BCCI) while



observing that the State of Bihar shall be eligible to participate in Ranji Trophy and other similar competitions, it was held that the BCA shall be in charge of the same. For ready reference the order dated 4.1.2008 is reproduced herein below :-

*“The interlocutory applications shall be considered at the time final hearing.*

*However, as an interim measure, it is directed that the State of Bihar shall be eligible to participate in Ranji Trophy and similar such competitions and the incumbent Bihar Cricket Association, which has been elected by virtue of the order passed by this Court in S.L.P. (C) No.35160 of 2013, shall be in charge of the same.*

*Be it clarified, this order has not been passed because of any arguments advanced by the individuals who have filed interlocutory applications. This order has been passed keeping in view the cause of cricket in the State of Bihar.*

*We may further hasten to add, our order shall apply to the Bihar Cricket Association which is an Associate Member of the B.C.C.I.*

*The appeals be listed in usual course.”*

43. It may be stated that even the CoA appointed by the Hon’ble Supreme Court in its final report submitted on 14.10.2019 provided a list of full members of the BCCI,



wherein the BCA figures at serial no.7. Thus, taking into consideration that as per the Memorandum of Association as also the rules and regulations of the BCCI, each State was to be represented by one SCA only, it was the BCA which was representing so far as the cricketing activities in the State of Bihar was concerned.

44. The case of the parties as also the submissions of learned counsels appearing have been stated in much detail in the paragraphs above. On perusal of the same what transpires is that while the writ application on behalf of the CAB was filed for a direction to the BCCI to derecognise the BCA as an affiliate member of the BCCI, further prayer was made to conduct an enquiry into the charges of corruption, maladministration and mismanagement of BCA, to grant recognition to the CAB as an affiliate member of the BCCI and for a direction to the BCCI to take over control of management of the game of cricket in the State of Bihar from the BCA.

45. While the dispute on one hand is between CAB and BCA, on the other hand the dispute is internal between the Office bearers of the BCA. This would also be evident from the fact that while one set of counter affidavits filed by BCA and sworn by the erstwhile Honorary Secretary Mr. Amit Kumar



comes in support of the writ petitioner/CAB, at the same time it makes allegations against the elected President of the BCA namely Rakesh Kumar Tiwari. On the other hand the counter affidavits filed by BCA and sworn by the present Secretary Ziaul Arefin are in opposition to the writ petitioner as also Amit Kumar.

46. At this stage itself it would be relevant to mention that Amit Kumar filed Title Suit no.75 of 2023 in the capacity and describing himself as the Secretary of the BCA wherein Mr. Rakesh Kumar Tiwari, the President of BCA was initially the sole defendant. In the suit (BCA through Secretary Amit Kumar vs. Rakesh Kumar Tiwai & Ors.) which is pending in the Court of learned Sub Judge-I, Patna, the plaintiff prayed for the following reliefs :-

*“a) Upon adjudication it be declare that the plaintiff is entitled to convene or call upon any meeting either general or special of BCA only through it's Secretary as per it's rule and regulation and defendant is not entitled to convene any meeting either general or special of BCA.*

*b) Any resolution passed in any general or special meeting which not convene by Secretary be declared illegal, null and void and not binding upon plaintiff.*

*c) It be declare that Notification dated*



*03.02.2023 issued by defendant in his office calling Special General meeting on 12.02.2023 is illegal and against the rule and regulation of BCA and any regulation passed in said meeting not binding upon plaintiff.*

*d) By order of ad- interim injunction the defendant be restrain to convene any special general meeting or annual general meeting and meeting committee of management and executive council of BCA and not carry on any correspondence with any institution in name of BCA and not use or maintain the minute of annual special or general meeting during pendency of the suit*

*e) cost of the suit awarded in favour of plaintiff and against defendant.*

*f) Pass such other relief or reliefs as this learned court deem fit and proper in favour of plaintiff and against defendant.”*

47. It may be noted here that the CAB/writ petitioner had filed a writ petition (W.P. no.2550 of 2009) in the Bombay High Court, questioning the report dated 8.3.2008 of the Three Member Committee of the BCCI. As per the report, which was under challenge, the Committee of BCCI had concluded that the original BCA with its headquarters at Jamshedpur and which was subsequently renamed as Jharkhand State Cricket Association, Keenan Stadium, Jamshedpur was the full member of the Board and in case the newly formed associations from the



State of Bihar were desirous of the membership of the Board, they will need to apply to the Board for affiliate membership, which application would be considered in accordance with the rules and regulations of the Board. The said writ application of the CAB having been dismissed by judgment dated 13.12.2010, the CAB preferred SLP (C) no.4700 of 2011 (Civil Appeal no.7645 of 2011) in the Hon'ble Supreme Court. It is in this case (Civil Appeal no.7644 of 2011 & Civil Appeal no.7645 of 2011) that the Hon'ble Supreme Court by its order dated 4.1.2018 (reproduced herein above) ordered that the BCA which has been elected by virtue of order passed in SLP (C) no.35160 of 2013 shall be in charge and eligible to participate in Ranji Trophy and similar such competitions.

48. It would be important to mention here that the CAB also filed I. A. no.223712 of 2023 in Civil Appeal no.4235 of 2014 in the Hon'ble Supreme Court. The relevant paragraph no.1 and the prayer portion of the application is reproduced herein below for ready reference:-

*“1. The Applicant, by way of present application seeks direction from this Hon'ble Court against the large scale corruption, irregularities and mismanagement taking place in Bihar Cricket Association (hereinafer referred to as “BCA”) in the facts and circumstances*



*mentioned hereinbelow:*

*Prayer*

*In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:*

*a) Allow the present application and issue a direct the Petitioner Board to take strict and necessary corrective measures in order to safeguard the interest of the players and a single member committee may be constituted by this Hon'ble Court to remain in the helm of the affairs of the Bihar Cricket Association to mitigate the illegalities and corrupt practices of the BCA*

*b) Pass such other or further orders as this Hon'ble Court may deem fit and proper in the interest of justice.”*

49. Though it has been submitted by learned senior counsel appearing for the CAB/writ petitioner that he would not be pressing relief nos. 1 and 3 made in paragraph no.1 of the writ application, the other reliefs are to the following effect ie. (1) directing the respondent authorities under the BCCI to conduct the enquiry into the charges of corruption, maladministration and mismanagement of BCA while managing the game of cricket in the State of Bihar and (2) for a direction to the BCCI to constitute an adhoc committee to take over the



control of management of the game of cricket in the State of Bihar (from the BCA).

50. It may be observed here that though BCA is a full member of the BCCI representing the State of Bihar. So far as the SCAs are concerned, they are autonomous bodies registered under the Societies Registration Act. The control of the BCCI over the SCAs is not statutory but may be regulatory in nature in so far as the SCA would be required to abide by the rules, regulations and guidelines issued by the BCCI. It is the BCCI which provides grants and funds to the SCAs and can also suspend, disaffiliate or impose penalties.

51. So far as the instant case is concerned, taking into consideration the facts and circumstances of the case, this Court may hold/observe the following :-

(1) Though the BCCI may not be 'State' under Article 12 of the Constitution of India, but an application under Article 226 of the Constitution would be maintainable against it (refer to BCCI vs. CAB; (2015) 3 SCC 251).

(2) The writ application herein filed by the CAB was also for a direction to the



BCCI to derecognise and disaffiliate BCA and for grant of recognition and affiliation to CAB (which prayers were not pressed by learned counsel for the CAB). This issue already stands settled by order dated 4.1.2018 passed in Civil Appeal no.7644 of 2011 with Civil Appeal no.7645 of 2011, wherein the Hon'ble Supreme Court has by way of an interim measure directed that the BCA shall be in charge and eligible to participate in Ranji Trophy and other such competitions.

(3) From the contents of the writ petition and the affidavits/applications filed by the respective parties, the dispute raised in the instant case are firstly between the CAB and BCA and secondly between the officials of the BCA i.e. the erstwhile Secretary Amit Kumar on one hand and the present Secretary Ziaul Arefin and the President of BCA Rakesh Kumar Tiwari on the other.

(4) So far as the dispute of CAB and BCA are concerned, the same is required



to be raised by the CAB before the Ombudsman of the BCCI.

(5) With respect to the dispute between the Secretaries/officials of the BCA are concerned, the instant case/writ application/appeal not having been filed by any official of the BCA, in the opinion of the Court the CAB has no *locus standi* to raise the issues of interse internal disputes between the officials of the BCA.

(6) The writ application not having been filed by any of the officials/office bearers of the BCA, the dispute, if any as to who is going to be the Ombudsman of the BCA could not have been gone into in the instant application.

(7) As and when any dispute is raised with respect to the fact as to who is the Ombudsman of the BCA before whom the complaint may be made in terms of Rule 44 of the Regulations of the BCA, the party may represent/move before the BCCI. On such an



application/representation/complaint having been filed, if required, the BCCI shall get the same adjudicated upon by appointing an independent Ombudsman, whose fees shall be decided/borne in accordance with law.

(8) The disputes between the officials of the BCA is already the subject matter of Title Suit no.75 of 2023 (BCA through its Secretary Amit Kumar vs. Sri Rakesh Kumar Tiwari & Ors.) pending in the Court of learned Sub Judge-I, Patna.

(9) The CAB has also filed I. A. no.223712 of 2023 in Civil Appeal no.4235 of 2014 in the Hon'ble Supreme Court praying for a direction of the Hon'ble Court in the large-scale corruption, irregularities and mismanagement taking place in the BCA.

(10) Mr. Nawal Kishore Singh (appellant in LPA no.840 of 2024) not being a party in the writ application, no order could be passed against him.



52. In view of the facts and circumstances stated herein above, in the opinion of the Court, the CAB/writ petitioner also had the option of moving before the Ombudsman under Rule 44 of the Regulations of the BCA for adjudication on the allegations regarding mismanagement and financial irregularities in the BCA.

53. Not entering into the merits of the allegations as levelled by the CAB, also keeping in mind the fact that the writ petitioner is not an official of BCA, the CAB/writ petitioner should have been directed to file an appropriate application before the Ombudsman under Rule 44 of the Regulations of the BCA. Further, before which Ombudsman of the BCA the application/complaint will be filed, as directed above, the CAB/writ petitioner will be at liberty to approach the BCCI for the same.

54. In case of an application being filed by the CAB/writ petitioner, the same shall be decided by the BCCI, if required, by appointing an Ombudsman, who shall hear all the parties and pass orders within a period of 4 months.

55. In view of the facts and circumstances stated herein above, in the opinion of the Court, the order of the learned Single Judge cannot be sustained and is thus set aside.



56. The appeals are allowed with the above observations and modifications.

(Partha Sarthy, J)

Ashutosh Kumar, ACJ; I agree.

(Ashutosh Kumar, ACJ)

Shiv/avinash

AFR/NAFR	
CAV DATE	21.04.2025
Uploading Date	14.07.2025
Transmission Date	

