

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.16872 of 2011**

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1. Mahendra Goswami @ Mahant Mahendra Goswami Chela Late Ram Khelawan Goswami Resident Of Village- Sukhaliya, P.O. + P.S.- Darpa District- East Champaran At Present Managing Committee , Saint Kabir Mahanth Ram Khelawan Goswami College, Lathihanwan, Chhaura Dano (East Champaran)

.... .... Petitioner

Versus

1. The State Of Bihar Through Principal Secretary, Human Resources Department Govt. Of Bihar, Patna  
2. Principal Secretary Human Resources Department Government Of Bihar, Patna  
3. Director, Education Cell For Non Aided Secondary Schools, Secondary Schools, Directorate, Bikash Bhawan, Patna  
4. The Chairman, Bihar School Examination Board, Patna  
5. Sri Amiri Goswami S/O Chela Late Mahanth Lakshuman Goshwami R/O Village Kabir Panthi Kalhenwa Math, P.S. Mahuawa, Distt. East Champaran  
6. Sri Rishideo Mishra S/O Late Devi Mishra Secretary Managing Committee Saint Kavir Mahanth Ram Khelawan Goswami College, Latihanwan Chhaura Dano, P.S. Darpa, Distt. East Champaran

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Janardan Prasad Singh, Sr. Advocate.  
Mr. Arbind Kr. Singh Advocate.  
For the State : Mr. Amaresh Kumar Sinha AC to GA-9  
For the Bihar School Examination Board : Mr. S. Arshad Alam & Ms. Lubna Naaz, Advocates.  
For the respondent No.5 : Mr. Priyadarshi Matri Sharan, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**

**ORAL JUDGMENT**

**Date: 03-11-2015**

Heard the parties.

Parties have exchanged pleadings.

The Kabirpanthi Sampardaya Math Darpa ( for short ‘the Math’) set up a religious educational institution called the Saint Kabir Mahant Ram Khelawan Goswami College, Latihanwan, Chhaura Dano, East Champaran ( for short ‘the Institution’). The



original petitioner being Mahanth of that Math filed the writ petition for a direction upon the State respondents not to release any financial grant-in-aid to the institution on the strength of the form and details prepared and provided to the State Government by the respondent no.5. It has also been prayed that the respondents State be directed to enquire about the real state of affairs of the institution and find out the real teachers who could be financial benefited upon release of the grant/financial aid by the State Government. There is, however, no controversy that during the pendency of this application the respondent- Bihar School Examination Board (Senior Secondary), Patna constituted a new Managing Committee for the institution wherein neither the original writ petitioner nor the respondent no.5 figures as a member thereof. It is further to be noted here that the State respondents in the counter affidavit have candidly stated that several illegalities/irregularities have been found/detected in the form and details submitted under the signature of the respondent no.5 for release of grant-in-aid. It was, therefore, difficult for the State Government to accept the same for the purpose of release of financial aid to the institution, It, thus appears that the two main prayers of the petitioner have become infructuous. The third prayer of the petitioner is to direct the respondent to enquire before releasing any grant-in-aid to the institution. It has been pointed by the counsel for the



respondents that some litigations are pending in the Civil Court with respect to the Mahanthship of the Math in question. The petitioner being a religious minority institution, the State respondents would not make an enquiry with regard to the management of the institution. However, if the new Managing Committee constituted by the respondent Bihar School Examination Board forwards any request for release of grant-in-aid, the same shall be considered by the State in accordance with law and the grant-in-aid may be released. In course of submission both parties have stated that litigation is pending before the Civil Court with regard to the Mahanthship of the Math in question. Under the bye laws or the Rule the Mahanth is to head the Managing committee.

During pendency of this application the original writ petitioner has died and an application for substitution has been filed vide I.A. No.6977 of 2015 on behalf of the Mahanth Ramesh Goswami claiming himself to be the chela of late Mahanth Mahendra Goswami ( the original writ petitioner). The private respondents have opposed the said prayer. Considering the prayer which has been made and the facts noted hereinabove, this Court would not proceed to make an enquiry with regard to the right of one party or the another to be declared as the 'chela' of the deceased Mahanth ( original writ petitioner). As noticed, a litigation is pending

in civil Court in this regard. However, for the purpose of disposal of the writ petition, this Court, would permit the applicant of the said Interlocutory Application to be impleaded as writ petitioner in place of deceased original writ petitioner. The order present allowing the applicant of Interlocutory Application to be impleaded in place of the original writ petitioner ( since deceased) should not be construed as a declaration or the findings of this Court on the right of the applicant to be declared as legal heir or 'chela' or Mahanth of the Math in question. The said matter shall be considered and decided on its own merit in the pending litigation before the Civil Court.

Having observed so, the writ application is disposed of.  
I.A. No. 6977 of 2015 is also , accordingly, disposed of.

**(Kishore Kumar Mandal, J)**

Shyam/-

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