

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11201 of 2019

Prabhat Kumar Munna aged about 32 years, male, son of Bachcha Jee Choubey, R/o Flat No. 107, Maa Kali Tower, Abhiyanta Nagar, Ranjan Path Near Gokhula Gas Agency, Bailey Road, Danapur-cum-Khagaul, P.S. Rupaspur, District-Patna and permanent Resident of Village-Bhopatpur, Choubey Tola, P.S. Kotwa, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Government of Bihar, Patna.
2. The Principal Secretary Minority Welfare Department, Old Secretariat, Government of Bihar, Patna
3. The District Magistrate East Champaran, Bihar
4. The District Minority Welfare Officer, East Champaran, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Chakrapani, Adv.

For the Respondent/s : Mr. Durgesh Nandan, AAG-14.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 15-07-2019

Heard Mr. Chakrapani, learned counsel appearing for the petitioner and learned counsel for the State.

The prayer in this writ petition is as follows:

(i) Issuance of an order, direction or writ in the nature of mandamus directing the respondent authority to accept the donations so provided to the Government for undertaking various educational health and other social welfare projects.



(ii) Issuance of an order, direction or writ in the nature of mandamus directing the respondent authority to allow the modernization of the minority hostel by any private persons willing to undertake the work from his/her/its organization without any strings attached for some funding.

(iii) Issuance of an order, direction or writ in the nature of mandamus/certiorari as this Hon'ble Court may deem fit and proper.

(iv) Any other relief or reliefs as the petitioners may be found entitled to in the facts and circumstances of this case.

In fact, the petitioner had once earlier come before this Court in CWJC No. 8564 of 2019 and it is bearing note of the vagueness in the relief prayed that the writ petition was disposed of allowing him to return with a duly constituted writ petition which has since been filed with the reliefs aforementioned.

A plain look at the reliefs so prayed in the writ petition would confirm that through the process of the Court, the petitioner seeks a direction to the State to accept donation from a gentleman named Rakesh Pandey, an NRI businessman as well as to permit him to take steps towards improvement in the conditions of the hostels.



Mr. Chakrapani, learned counsel appearing for the petitioner in reference to a letter of the District Minority Welfare Officer, East Champaran at Motihari dated 29.12.2018 submits that initially permission was given for establishment of the E-Library at the Minority Hostels but even this permission was later on retracted through a letter dated 03.01.2019 and the reasons are missing.

We are informed that the person who has such welfare in mind is not the petitioner before us rather his name is Rakesh Pandey and his good intentions are being espoused through the petitioner who is a practising Advocate of this Court. We have reservations on the cause espoused for two reasons, namely:-

(a) The person concerned should first approach the appropriate authority in the State Government showing his intent of public welfare thus inviting decision thereon but until such time that issue is raised and a decision is taken by the State Government within reasonable time on the cause advocated, we can express no opinion;

(b) The other reason which does not persuade us to grant indulgence at this stage is that a cause has to be raised by a person in particular and cannot be canvassed through proxy litigation.



With the observations above, we dispose of the writ
petition.

(Jyoti Saran, J)

(Partha Sarthy, J)

Anjula/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2019
Transmission Date	NA

