

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3393 of 2021

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Anand Kumar Khetan son of Shree Om Prakash Khetan Resident of Village-
Kusheshwar Sthan, Ward No. 06, P.S. Kusheshwar Asthan, Dist.- Darbhanga.

... .. Petitioner/s

Versus

1. The Bihar State Board of Religious Trusts, Vidyapati Marg, P.S.- Kotwali Town, District- Patna, through its Administrator/ Special Officer.
2. The Chairman, Bihar State Board of Religious Trust, Vidyapati Marg, P.S.- Kotwali Town, District- Patna.
3. The Sub- Divisional Officer/ Secretary, Shree Baba Kusheshwar Nath Mandir Trust, Village- Rampur Raut @ Rauta, P.S. Kusheshwar Sthan, District- Darbhanga.
4. The Chairman, Shree Baba Kusheshwar Nath Mandir Trust, Village- Rampur Raut @ Rauta, P.S. Kusheshwar Sthan, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mohit Agarwal, Advocate Mr. Parul Prasad, Advocate
For the Respondent/s	:	Mr. Kumari Amrita (GP3) Mr. Ganpati Trivedi, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

6 03-02-2022 This application has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

The petitioner has put to challenge an order dated 22.09.2020, passed by the Bihar Board of Religious Trust, whereby the petitioner has been disqualified for the membership of Shree Baba Kusheshwar Nath Temple Trust Committee with



effect from 09.09.2020.

It is the petitioner's case that, pursuant to a show cause notice issued to him, he had to appear before the Board on 02.03.2020. He, however, failed to appear on the said date because of certain circumstances beyond his control and had sent an e-mail on 02.03.2020 addressed to the Assistant Superintendent of the Board seeking one month's adjournment. The final order, however, came to be passed on 22.09.2020, more than six months thereafter.

It is the petitioner's case that he was never communicated about any date fixed after 02.03.2020 for his appearance before the Board in the case. It is also his case that the Board did not respond to the said e-mail of the petitioner requesting grant of time because of his inability to appear.

On reading of the counter affidavit filed on behalf of the Board, it is evident that the petitioner's assertion that an e-mail was sent to the Board seeking time has not been disputed. It is rather stated that the said communication made by the petitioner through e-mail remained unattended due to the absence of the dealing clerk in the Board at the relevant time.

In view of the facts which are admitted, in our opinion, the petitioner has been able to make out a case that the



petitioner was deprived of adequate opportunity of hearing before the impugned order dated 22.09.2020 was passed. The impugned order, thus, in our opinion, is in breach of principles of natural justice. Accordingly, this application stands allowed and the impugned order dated 22.09.2020, is hereby set aside.

The matter is remanded back to the President of the Board to pass an order afresh after giving the petitioner an opportunity of hearing. The President of the Board is directed to fix 02.03.2022 as the date for hearing the petitioner on which date, the petitioner shall be obliged to be present. If the petitioner does not appear on the said date, the President of the Board shall be at liberty to pass appropriate orders in accordance with law.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

K.K.RAO/-

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