

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3000 of 2023

Dr. Amit Kumar Singh Chele-Late Mahanth Raghuvir Das, Resident of Village-Mohiuddin Nagar, P.S.-Mohiuddin Nagar, District-Samastipur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Law and Justice, Government of Bihar, Patna.
2. The Bihar Board of Religious Trust, Bidayapati Marg, Patna.
3. The Superintendent of Police, Samastipur.
4. The Deputy Superintendent of Police, Patory, District-Samastipur.
5. The Circle Office Mohiuddin Nagar, Samastipur.
6. The District Magistrate, Samastipur.
7. The Addl. Chief Secretary, Department of Home, Government of Bihar, Patna.
8. Ram Saran Das @ Shivjee Das, Disciple Late Mahanth Sitaram Das, Resident of Village-Samastipur, P.S. Mohiuddin Nagar, District-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Shadab Alam Wazdi, Adv.
For the BRTB	:	Mr. Ganpati Trivedi, Sr. Adv.
For the State	:	Mr. Prasant Pratap (GP 2) Mr. Gopal Krishna, AC to GP 2

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 22-08-2023

Heard Mr. Md. Shadab Alam Wazdi, learned counsel appearing on behalf of the petitioner. The State is represented by Mr. Gopal Krishna and Mr. Ganpati Trivedi, learned senior counsel for the Bihar State Board of Religious Trusts.

2. The petitioner, by invoking the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution,



seeks quashing of the order contained in Memo No. 1863 dated 05.03.2022 issued under the Signature of the President, Bihar State Board of Religious Trusts, Patna, whereby the respondent no. 8 has been declared as Priest of Shree Ram Janki Mandir, situated At and P.O.-Mohiuddin Nagar, District-Samastipur. The petitioner further seeks a direction commanding the respondents to appoint the petitioner as a Priest of the afore-noted Mandir.

3. This Court, after having heard the parties, is unable to accept the prayer of the petitioner that a writ of mandamus can be issued for declaration of the petitioner as Priest of the Temple in question.

4. Well settled it is that a writ of mandamus may be issued in favour of a person who establishes a legal right in himself. It may be issued against a person who has a legal duty to perform but has failed or has neglected to do so and such a duty emanates by operation of law.

5. Taking note of the settled legal position, learned counsel for the petitioner seeks permission to file a proper representation before the President, Bihar State Board of Religious Trusts.

6. In view thereof, the present writ application stands disposed of with liberty to the petitioner to file a representation



before the President, Bihar State Board of Religious Trusts,
Patna.

7. It is needless to observe that if such representation
is filed within a period of four weeks from today, the President,
Bihar State Board of Religious Trusts shall consider and dispose
of the same by passing a reasoned and speaking order preferably
within a further period of eight weeks.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	22.08.2023
Transmission Date	N.A.

