

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1029 of 2023

In

Civil Writ Jurisdiction Case No.7394 of 2022

=====

Shri Ramchandra Jee, Lakshman Jee and Janki Jee, Thakurbari through the
Sevait Shri Girish Chandra Jha aged about 69 years, gender- Male, Son of
Late Hari Mohan Jha, Village and P.O.- Bhramarpur, P.S.- Bihpur, District-
Bhagalpur, Pin Code – 853201.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Bihar State Board of Religious Trust, Vidyapati Marg, Patna- 800001 through the Chairman.
3. The President, Bihar State Board of Religious Trust, Vidyapati Marg, Patna- 1.
4. The District Magistrate, Bhagalpur.
5. The Sub Divisional Officer, Naugachiya, District- Bhagalpur.
6. The Circle Officer, Narayanpur, District- Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	: Mr. Y. V. Giri, Sr. Advocate Mr. Satyendra Kumar Jha, Advocate Mr. Kumar Shubham, Advocate
For the State	: Mr. Gyan Prakash Ojha, GA-7
For the Board of Religious Trust	: Mr. Ganpati Trivedi, Sr. Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-09-2023

1. The appeal has been filed against the order of the
learned Single Judge, which refused to consider the challenge



against the order impugned, especially since the term of the committee appointed as per the order impugned has expired. The committee was appointed for a period of one year from 02.04.2022.

2. The appellant is also aggrieved by the further directions issued by the learned Single Judge to the Board to constitute a new committee, which according to the learned Senior Counsel appearing for the appellant, is not possible.

3. However, this issue need not be decided in a vacuum, especially as of now, there is no constitution of a committee. If there is a statutory mandate, as perceived by the Board, obliging the Board to form a committee then necessarily it would have to be done. The appellant also would have the right to challenge it.

4. The learned Standing Counsel for the Board also submits that if at all; the order has to be challenged before the District Judge and the appellant cannot bypass the remedy and come before the High Court under Article 226 of the Constitution of India.

5. All these questions are left open for consideration at the time when a cause of action arise and a challenge is made. We cannot decide the question in a vacuum.



6. The appeal stands dismissed, however, with the above observations.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Saurabh/avinash

AFR/NAFR	
CAV DATE	N/A
Uploading Date	22.09.2023
Transmission Date	N/A

