

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1346 of 2024

In
Civil Writ Jurisdiction Case No.24051 of 2019

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Mahanth Parmanand Sahab@ Acharya Mahant Parmanand Das, Son of Late
Ramchandra Das Resident of Village- Kabir Math, Dariyapur, P.S.- Fatuha,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through Jyoti Swaroop Srivastava Law Secretary,
Government of Bihar.
2. The Bihar State Religious Trust Board, Patna Through its Chairman,
Akhilesh Kumar Jain.
3. Akhilesh Kumar Jain, The Chairman, Bihar State Religious Trust Board,
Vidyapati Marg, Patna- 800001.
4. Akhilesh Kumar Jain, The Administrator, Bihar State Religious Trust Board,
Vidyapati Marg, Patna- 800001.
5. Shirsat Kapil Ashok, The District Magistrate, Patna, Bihar.
6. Gunjan Singh, The Sub Divisional Officer, Patna City, Patna.
7. Rupesh Paswan, The Officer in Charge, Fatuha Police Station, Fatuha,
Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv.
For the State	:	Mr. Dr. Md. Raisul Haque, S.C. 10 Mr. Binay Kumar, Adv. (A.C. to S.C-10)
For the Trust Board	:	Mr. Ganpati Trivedi, Sr. Adv. Mr. Saurabh Suman, Adv. Mr. Ritik Shah, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 26-03-2025 Heard Mr. Sanjay Kumar, learned counsel for the

petitioner and Mr. Ganpati Trivedi, learned Senior Counsel

representing the Bihar State Religious Trust Board (henceforth

for short 'The Board).

2. The present application has been filed:

against the opposite parties for



their willful and. deliberate violation of order dated 07.08.2023 passed by Hon'ble Mr. Justice Rajiv Roy in C.W.J.C No24051/2019 whereby and under his lordship has passed following order : " The Trust Board is directed to take immediate steps for finding permanent solution to the concerned 'Math' seek names from the Collector, Patna as also the Sub-Divisional officer, Patna City, issue an 'Aam Soochana' (general notice) in the locality/area/newspaper where the math is situated so that the prominent and respected citizen's names having no criminal antecedent is/are presented before it and a permanent committee is constituted under the Chairmanship of the Collector, Patna. The Trust Board will ensure that no person with criminal antecedent and/or against whom financial embezzlement allegation to Math has been made be part of the permanent Committee. The Committee so constituted must be approved/notified by the Board Members.

The said exercise has to be completed within a period of three months from today. The orders dated 23.03.2019 (CWJC No-24051 of 2019) and 11.05.2022 (CWJC No-9415 of 2022) passed by 'the Trust Board' shall remain in abeyance and



will merge with the final order relating to constitution of permanent Committee.

3. The show cause/reply to show cause has come and the contention of the petitioner as narrated by Mr. Sanjay Kumar is that despite specific direction of the Court, people with criminal antecedent/those who are not residing and/or not the prominent citizens of the locality have been deliberately included by the Opposite Party warranting contempt proceeding against them. He has taken this Court to paragraphs 10 and 16 which read as follows:

10. That a similar reminder was also sent to the SDO, Patna City as well as DM, Patna under Letter No. 3849 and 3850 dated 21.02.2024 to the SDO, Patna City and DM, Patna respectively.

16. That in the meeting of the Board held on 03.06.2024, the Hon'ble members of the Board brought to the notice of the fact that one Gopal Das whose name was proposed was absconder in a criminal case and hence his name was deleted from the proposed list.

4. Mr. Ganpati Trivedi, learned Senior Counsel for 'The Board' submits that any Committee which is now being formed, specific clause has been incorporated that if it is found that a person nominated in the Committee is having criminal



antecedent, he/she immediately shall cease to remain a member.

5. Mr. Sanjay Kumar points out that the clause only talks about criminal antecedent and is mum about a person who despite being not of the same locality/area, if he/she is inducted, what will be the consequences? It is his further submission that before finalizing the list, 'The Board' fails to take an affidavit/self declaration of the designated member that he/she is of the same locality having no criminal antecedent.

6. The submissions put forward by Sanjay Kumar seems just and proper. The intent of this Court was the development of the *Math/Temples* and not to allow the Committee to mint money. Those having criminal antecedents and/are not being of the same locality, they cannot continue on any of the post of the Committee of the *Math/Temple* of that area.

7. It seems the message has still not been taken in right earnest by 'the Board'. However, as Mr. Ganpati Trivedi, learned Senior Counsel representing 'the Board' has submitted that if there is any allegation against the person that has to be looked into, in that background, this Court would like the petitioner to approach 'the Board' along with this order to convince it regarding the **criminal antecedent of Mr.**



Shivanand Das as also that **Mrs. Sharda Devi** is not a resident of the locality.

8. It is made clear that henceforth before constituting any Committee, 'the Board' will be duty-bound to take a self-declaration affidavit duly notarised by each and every designated member that he/she:

(i) is a resident of the same area;

(ii) has no criminal antecedent;

(iii) if the content is wrong, he/she will be liable for presecution by 'the Board' in accordance with law.

9. This will ultimately benefit 'the Board' itself as in case of any complaint having found true, once an affidavit is given, 'the Board' will be able to take action/immediate decision to remove the said member from the Committee as also initiate appropriate proceeding against him/her.

10. Granting liberty to the petitioner to approach 'the Board', the contempt petition stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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