

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4818 of 2021

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Sabita Kumari wife of Anil Kumar, Resident of village- Ward No. 14, Harla,
Panchayat- Kunri Sankura, P.S.- Jamui, District- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Home, Bihar, Patna
2. The Principal Secretary, Department of Home, Bihar, Patna
3. The District Magistrate, Jamui
4. The District Programme Officer, Jamui
5. The Child Development Project Officer, Block- Jamui Sadar, Jamui
6. The Lady Supervisor, Block- Jamui Sadar, Jamui

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Respondent/s : Mr. Manish Kumar, GP 4

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 01-02-2022

This matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19 Pandemic.

Learned State counsel accepts notice for respondents.

In the instant petition, petitioner has prayed for the
following relief(s):-

*“(i) For issuance of direction
to Niyojan (appoint) of the petitioner
namely Sabita Kumari as an Anganbari
Sevika for Anganbari Centre No. 194
under the Ward No.14 of Kunri Sankurha
Panchayat, Village Harla, P.S. -Jamui,
District Jamui.*

*(ii) For issuance of further
direction upon the respondent authorities
to Conduct Aam Sabha for appointment of*



Anganbari Sevika of Centre No. 194 under the Ward No,14 of Kunri Sankurha Panchayat, Village Harla, P.S. Jamui, District -Jamui.

(iii) Also for any other relief/reliefs for which the petitioner is entitled in the eye of law.”

The petitioner has statutory remedy of appeal before the appellate authority. Without exhausting the statutory remedy of appeal writ petition cannot be entertained in the light of Hon'ble Apex Court decision in the case of **State of Jammu and Kashmir Vs. R.K. Zalpuri and others** reported in AIR 2016 Supreme Court 3006 held as under:-

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation v. Dosu Aardeshir Bhiwandiwalla and Others, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;

(b) the petition reveals all material facts;

(c) the petitioner has any alternative or effective remedy for the resolution of the dispute;



- (d) person invoking the jurisdiction is guilty of unexplained delay and laches;*
- (e) ex facie barred by any laws of limitation;*
- (f) grant of relief is against public policy or barred by any valid law; and host of other factors.”*

Accordingly, the present petition stands dismissed as premature reserving liberty to the petitioner to approach appellate authority in filing an appeal.

The appellate authority is hereby directed to take note of Section 14 of the Limitation Act, 1963 for the purpose of condonation of delay in presenting memorandum of appeal. If such appeal is filed the same shall be considered within a period of four months from the date of receipt of appeal after giving due opportunity of hearing to all the parties.

(P. B. Bajanthri, J)

Vikash/-

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

