

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6271 of 2021

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1. Gopal Prasad Son of Late Devi Prasad, Resident of Village - Raipura, Police Station- Fatuha, District - Patna.
 2. Ekramul Ansari, Son of Late Enamul Haque, Resident of Village - Sadisopur, (Samsara), Police Station- Bihta, District - Patna.
 3. Lalit Kumar, Son of Late Sri Deo Sahay Singh, Resident of Village - Bishunpura, Police Station- Bihta, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar. Bihar.
2. The Principal Secretary, General Administrative Department, Govt. of Bihar, Patna.
3. The Joint Secretary, General Administrative Department, Govt. of Bihar, Patna.
4. The Deputy Secretary, General Administrative Department, Govt. of Bihar, Patna.
5. The Registrar Co-operative Societies, Govt. of Bihar, Patna.
6. The Joint Registrar, (Panani) Co-operative Societies Bihar, Patna.
7. The Joint Secretary, Co-operative Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kiran Sinha
For the Respondent/s : Mr. Sushil Kumar (Gp22)

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

Date : 07-02-2022

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

2. In the instant petition, petitioners have prayed for the following relief/reliefs:

“That this petition is being filed for issuance of a writ in the nature of Certiorari for quashing of impugned order issued vide memo No. 3579, dated – 27.04.2017 issued by Joint Registrar Co-operative Societies Bihar, Patna whereby



and whereunder annual increments of the petitioners have been withheld until passing of examination and further ordered for recovery of annual increment take w.e.f. 01/07.2007 and further he may be directed to provide annual increment w.e.f. 01.07.2007.”

3. Without exhausting statutory remedy of appeal, petitioners have rushed to this Court. Thus, the present petition is premature in the light of Apex Court decision in the case of ***State of Jammu and Kashmir V/s. R.K.Zalpuri and others*** reported in **AIR 2016 SC 3006 paragraph-20** which is held as under:

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation V/s.Dosu Aardeshir Bhiwandiwalla and others {(2009) 1 SCC 168}, 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 question 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”

Underline Emphasized



4. Accordingly, the present petition stands dismissed, reserving liberty to the petitioners to prefer appeal before the Appellate Authority within a period of eight weeks from the date of receipt this order. If such appeal is filed, the Appellate Authority shall decide it within a period of four months from the date of receipt of petitioners’ appeal. The Appellate Authority is also hereby directed to examine the delay in filing appeal.

5. With the above observations, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

