

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4872 of 2021

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Soni Kumari Wife of Sri Anand Safi, resident of Ward No. 11 Bardepur, P.S. -
Kaluahi, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Social Welfare
Department Govt. of Bihar, Patna.
2. The Director Social Welfare Department, Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The Sub-Divisional Officer, Madhubani.
5. The District Programme Officer, Madhubani.
6. The Child Development Project Officer, Kaluahi, Madhubani.
7. The Ladies Supervisor, Child Development Project Kaluahi, Madhubani.
8. The Mukhiya Gram Panchayat Pursaulia Kaluahi, Madhubani.
9. Smt. Anju Kumari, Wife of Sri Dinesh Kumar Safi, resident of Village
Bardepur, P.S. - Kaluahi, District - Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the Respondent/s : Ms. Kumari Amrita, GP 3

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

Date : 02-02-2022

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

Service of notice to ninth respondent-Anju Kumari is
dispensed with since no adverse order is passed against her.

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

*“For issuance of an appropriate
writ (s), order (s), direction (s) for
direction to the respondent authorities to
issue selection letter in favour of the*



petitioner for the post of Anganwari Sevika as she has fulfill all requisite qualifications and is Sl.No.2 in the provisional list prepared for selection of Anganwari Sevika for Anganwari Centre No. 127 Situated at Pursaulia Gram Panchayat Raj ward No. 11 on 30.07.2018 and to grant any other relief (s) for which petitioner may found entitled in in accordance with 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 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 ninth respondent-Anju Kumari.

(P. B. Bajanthri, J)

Vikash/-

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

