

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5017 of 2021

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Ranti Kumari Wife of Bipin Kumar Residence of Village-Fatehpur, Post and Police Station-Sare, District-Nalanda (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Director, I.C.D.S., Department of Social Welfare, Government of Bihar, Patna.
3. The District Magistrate, Nalanda.
4. The District Program Officer, I.C.D.S., Nalanda.
5. The Child Development Project Officer (C.D.P.O.), Block-Asthawa, District-Nalanda.
6. The Block Development Officer, Block-Asthawa, District-Nalanda.
7. The lady Supervisor, Bolock-Asthawa, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranvijay Singh
For the Respondent/s : Mr. Lalit Kishore (Ag)

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

Date : 02-02-2022

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

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“(i) For issuance of consequence writ in the nature of mandamus directing and commanding the respondents particularly The Child Development Project Officer, Asthawa, Nalanda i.e., respondent no. 6 and The Lady Supervisor, Asthawa, District – Nalanda i.e. respondent no. - 7 to initiate and start selection process for the post of Sahayika and further be pleased to appoint / selection the present petitioner on the post of Aanganbari Sahayika at ward no. 14, falling within



under Gram Panchayat Kaila of Asthana Block in the District of Nalanda.

(ii) Any other relief/reliefs for which the petitioner is found entitled in the facts and circumstances of this case.”

3. The petitioner without exhausting statutory remedy of appeal presented this petition and petition is not maintainable in view of the 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** has 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. Therefore, the petitioner is at liberty to prefer appeal before the Appellate Authority within a period of eight weeks from the date of receipt of this order. The Appellate Authority is hereby directed decide the petitioner’s appeal within a period of two months from the date of receipt of such appeal.

5. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

