

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7641 of 2021

=====

Anjan Kumari Wife of Dinesh Kumar resident of Village - Sirsa Ghasi, Police Station- Lalganj in the district of Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. The Director, Integrated Child Development Scheme, Welfare Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Muzaffarpur.
5. The District Magistrate, Vaishali at Hajipur.
6. The District Programme Officer, Vaishali at Hajipur.
7. The Child Development Project Officer, Lalganj, Vaishali.
8. Pinky Sahni Wife of Avinash Kumar, resident of Village - Sirsa Ghasi, P.S. - Lalganj in the district of Vaishali.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar
For the Respondent/s : Mr. Smt. Kumari Amrita (GP-3)

=====

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

Date : 10-02-2022

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

State counsel accepts notice for respondent nos. 1 & 2.
Service of notice to respondent no. 8, Pinky Sahni stands dispensed with since no adverse order is passed against her.

In the present petition, the petitioner has prayed for the following reliefs:-



“ (i) To direct the respondents to consider the case of the petitioner for her appointment/selection to the post of Anganbari Sevika as an eligible candidate at Anganbari Centre No. 251 i.e. Sirsa Ghasi in Sirsa Biran Panchyat under Lalganj Block in the district of Vaishali.

(ii) Also to direct the respondents to restrain the respondent no. 8 from work as Anganbari Sevi at Anganbari Centre No. 251 under Lalganj Block in the district of Vaishali.

(iii) Also to allow the petitioner to work as Anganbari Sevika at Anganbari Centre No. 251 under Lalganj Block in the district of Vaishali.

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

Undisputedly, petitioner has stated to statutory remedy before the Appellate Authority. 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 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.”

The present petition is premature, accordingly, the petition stands disposed of, reserving liberty to the petitioner to prefer an appeal before the Appellate Authority within a period of eight weeks from the date of receipt of this order.

In the event of filing of such appeal, the Appellate Authority is hereby directed to provide ample opportunity for hearing to the petitioner and Respondent No.8, Pinki Sahni and proceed to decide the appeal within a period of four weeks from the date of receipt of appeal to be filed by the petitioner.

(P. B. Bajanthri, J)

kamlesh/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	16.02.2022
Transmission Date	NA

