

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8198 of 2021

=====

Arti Kumari Wife of Arun Kumar Ray resident of Village - Bangari, Sirpal Basant, Police Station Garkha, District Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Social Welfare Department, New Secretariat.
2. The Commissioner, Saran at Chapra.
3. The District Magistrate, Saran at Chapra.
4. The District Program Officer, Saran at Chapra.
5. The Block Development Officer, Garkha Block, Saran at Chapra.
6. The Block Child Development Project Officer, Garkha, Block, Saran at Chapra.
7. The Supervisor, Garkha Block, Saran at Chapra.
8. Guria Kumari W/O Arun Ray resident of Village Bangari Sirpal Basant, Police Station Garkha, District Saran at Chapra.
9. The Ward Member, Bangari, Jalal Basant Garkha, Saran at Chapra.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Ban Bihari Singh
For the Respondent/s : Mr. Gyan Prakash Ojha (GA-7)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 14-02-2022

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

Learned counsel for the State accepts notice for respondent nos. 1 to 7 and 9.

Service of notice to respondent no. 8, Guriya



Kumari, is dispensed since no adverse order is passed.

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

(I) For issuance of a writ in the nature of certiorari or any other appropriate writ for quashing the selection letter dated 30.07.2019 of respondent no. 8 on the post of Sevika under Panchayat Raj Jalal Basant Garkha, Saran, Bihar after calling the selection letter of respondent no.8 which has not been issued by the respondent no. 6 dated 30.10.2020 vide letter no. 358.

(II) For issuance of any other writ/writs, order/orders, direction/directions which your Lordships may deem fit and proper in the facts and circumstances of the case.

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 Vs. 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 Vs. 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”*

In view of the aforesaid decision, the present petition is premature, 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. If such appeal is preferred by the petitioner, the same shall be considered after giving ample opportunity of hearing to the petitioner as well as respondent no.8, Guriya Kumari. Such exercise shall be completed within a period of three months from the date of receipt of appeal.

Accordingly, writ petition stands disposed of.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2022
Transmission Date	NA

