

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5672 of 2021

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Sawan Kumari Wife of Sri Sajan Kumar Resident of Village-Parsandi, P.S.-
Parihar, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Program Officer, Sitamarhi.
3. The Deputy Collector of Land Reforms (Chairman), Sitamarhi.
4. The Child Development Project Officer (Vice President), Patihar, District-Sitamarhi.
5. The Secretary Cum Supervisor, Gayatri Kumari, Sitamarhi.
6. Kanchan Kumari Wife of Sri Mukesh Kumar, Resident of Village-Parsandi, PS Parhar, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhash Ranjan Thakur, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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

Date : 04-02-2022

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

Service of notice to sixth respondent-Kanchan Kumari is dispensed with since no adverse order is passed in the present petition against her.

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

“(i) For issuance of writ in the nature of for certiorari Mandamus or any other appropriate writ, for quashing the General Body Proceeding cum merit list Dt. 02.08.2019 by which Respondent no-6 has been illegally appointed on the post of Angan Bari Sewika (Anx-3) and



directing and commanding the respondent authorities to appoint the petitioner in accordance with General Body Proceeding cum merit list Dt. 08.01.2019 (Anx-2), being an illegible candidate, she has also already been selected on the post of Anagna Bari Sewika and pass Such other order/order(s), or direction/direction(s) for which the petitioner is legally entitled.”

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 eighth respondent-Kanchan Kumari.

(P. B. Bajanthri, J)

Vikash/-

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

