

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5388 of 2021

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Din Bandhu Pandey son of Late Bidya Pandey resident of Village Parsauni,
P.S. Nautan, District West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Revenue, Old Secretariat, Bihar, Patna.
2. District Magistrate-cum- Collector, East Champaran at Motihari.
3. Additional Collector, East Champaran at Motihari.
4. Sub Divisional Officer, Sikrahana at Dhaka, District- East Champaran.
5. Deputy Collector Land Reforms, District East Champaran at Motihari.
6. Anchaladhikari of Ghorasahan Anchal, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma
	:	Mr. Abhishek Kumar
For the Respondent/s	:	Mr.Lalit Kishore (Ag)

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

Date : 03-02-2022

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:

“That this is an application for quashing of an order dated 28.08.2020 vide memo no. 1013 by the District Magistrate, East Champaran, whereby and whereunder the writ petitioner has been dismissed from the post of Revenue Clerk, Ghorasahan Anchal in illegal, arbitrary and misconceived manner without considering the case of the petitioner set out in his 2nd show cause, as such the impugned order invalid and violation of principles of natural justice.”



3. Petitioner has rushed to this Court without exhausting statutory remedy of appeal. Thus, the present petition is premature in the light of 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** which is 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”

4. Accordingly, the present petition stands disposed off, reserving liberty to the petitioner to prefer an appeal before the Appellate Authority within a period of eight weeks from the date

Underline Emphasized



of receipt of this order. If such appeal is preferred, the Appellate Authority is hereby directed to examine the petitioner’s appeal and decide within a period of four months from the date of receipt of such appeal.

5. With the above observation, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

