

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5461 of 2021

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Ajay Kumar Son of Kashinath Pathak resident of village- Gaura, P.s.- Teghra,
District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Agriculture,
Government of Bihar, Patna
2. The District Magistrate, Begusarai
3. The District Agriculture Officer, Begusarai
4. The Registrar, Ch. Charan Singh University, Meerut
5. The Principal Ch. Charan Singh Shandilya (P.G.) College, Machhra, Meerut
(U.P.) formerly Known as KV (PG) College, Machhra, Meerut

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate
For the Respondent/s : GA 11

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

Date : 03-02-2022

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

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

“For issuance of order/direction or writ in the nature of Mandamus or any other appropriate writ, directing the respondents to conduct General Meeting. (Aam Sabha) of Semra of Sagardina Gram Panchayat, Ward No. 17, Chiraiya, East Champaran, Motihari regarding selection of Aanganwadi Sewika and dispose off Case No. 06/2020 filed by the petitioner.

Further, a direction may be given to select the petitioner as Aanganwadi Sewika as her name appears at serial no. 1 in the merit list for the above mentioned Gram Panchayat.



Further any other relief/reliefs may be granted to the petitioner to which she is found entitled to.”

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 ample opportunity of hearing to all the parties.

(P. B. Bajanthri, J)

Vikash/-

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

