

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6256 of 2021

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Kiran Kumari Wife of Ranjit Kumar Kushwaha Resident of Village -
Lakhankuani, Ward No. 11, P.S. - Sono, District - Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna
3. The Director ICDS, Patna
4. The District Magistrate, Jamui
5. The District Programme Officer, (ICDS) Jamui
6. The Child Development Project Officer, Sono, Jamui
7. The Mahila Parvekshika, Sono, Jamui
8. The Ward Member, Ward No. 11, Lakhankyari, P.O. - Paira Matihana, P.S. -
Sono, District- Jamui
9. Manisha Kumari Wife of Krishna Kumar Mandal Resident of Lakhankyari
Ward No. 11, P.O. - Paira Motihana, Sono, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha
For the Respondent/s : Mr. Lalit Kishore (Ag)

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

Date : 07-02-2022

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

2. State counsel accepts notice for respondents.

3. Service of notice to 9th respondent is dispensed since
no adverse order is passed.

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



“i. For quashing the impugned order dated 09.06.2020 passed by the D.P.O. (ICDS), Jamui in Case No. 44/18 and for quashing the impugned selection letter dated 29.12.2020 which has been issued in favour of Manisha Kumari (Respondent No. 9) who having 54 % marks whereas the petitioner having 62.29% marks in matric.

ii. Further for a direction to consider the case of the petitioner for selection of Anganbari Sevika for the centre no. 185 at ward no. 11, village – Lakhankyari, P.S. - Sono, District- Jamui, as the petitioner having highest marks of 62.29%.

iii. Further for a direction to the respondent to take step for fresh selection on the basis of present guide line 2019.

iv. To grant any other relief(s) for which the petitioner is entitled to get in the eye of law.”

5. 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 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;

Underline Emphasized



(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”

6. In view of the aforesaid decision present petition is premature and not entertainable, therefore, the petitioner is at liberty to prefer appeal before the concerned 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 9th Respondent – Manisha Kumari. Such exercise shall be completed within a period of three months from the date of receipt of appeal.

7. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

