

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5967 of 2021**

Nazia Rahman W/o Shamim Ahmed Ansari R/o Vill.- Jharwa, P.o.- Dariyapur,  
P.s.- Harshidhi, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna
3. The Director, Integrated Child Development Scheme, Bihar, patna
4. The District Magistrate, East Champaran
5. The District Programme Officer (ICDS), District- East Champaran
6. The Child Development Project Office, Block- Harshidhi, District- East Champaran
7. Rukhsaar Khatoon, W/o Mubarak Ansari Vill.- Jharwa, P.o.- Dariyapur, P.s.- Harshidhi, District- East Champaran

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate  
For the Respondent/s : Mr. Lalit Kishore (AG)

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

**Date : 07-02-2022**

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

Service of notice to seventh respondent-Rukhsaar Khatoon is dispensed with since no adverse order is passed against her.

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

*“(i) To quash the order contained in memo no- 1789 dated 07.05.2019 passed in Appeal No- 65/18 by the District Programme Officer (ICDS), District-East Champaran, whereby and whereunder the appointment/selection of the petitioner on the*



*post of Aaganwari Sevika, Aaganwari Centre No- 223, Ward No- 10, Village-Jharwa, Gram Panchayat Raj Bhada, Block- Harshidhi, District- East Champaran has been cancelled. A copy of memo no- 1789 dated 07.05.2019 is annexed as ANNEXURE- 1 to this application.*

*(ii) To quash the advertisement dated 14.01.2021, issued by the Director, Integrated Child Development Scheme, Bihar, Patna, so far it relates to the post of Aangawari Sevika, Anganwari Centre No. 223, Ward No. 10, Village-Jharwa, Gram Panchayat Raj Bhada, Block-Harshidhi, District-East Champaran, whereby and whereunder online application for the post of Anganwari Sevika of the said ward has been invited. A copy of advertisement dated 14.01.2021 is annexed as Annexure-2 to this application.*

*(iii) To direct the respondents to reinstate the petitioner on her respective post with all consequential and monetary benefits. And, for any other relief(s), which Your Lordships may deem fit and proper in the facts and circumstances of the case”*

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 seventh respondent-Rukhsaar Khatoon.

**(P. B. Bajanthri, J)**

Vikash/-

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

