

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7636 of 2021

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Parwati Devi wife of Jitendra Yadav resident of village - Kathadumar, Ward
No. 2, P.O. Kathadumar, Police Station- Simri Bhaktiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social and Welfare
Department, Government of Bihar, Patna.
2. The Principal Secretary, Social and Welfare Department, Government
of Bihar, Patna.
3. The Principal Secretary, Education Department, Government of Bihar,
Patna.
4. The Director, I.C.D.S., Bihar, Patna.
5. The Divisional Commissioner, Saharsa.
6. The District Magistrate, Saharsa.
7. The District Programme Officer, Saharsa.
8. The Block Development Officer, Simri Bakhtiyarpur, District-
Saharsa.
9. The Child Development Project Officer, Simri Bakhtiyarpur, District-
Saharsa.
10. Renu Kumari wife of Chano Yadav Resident of village - Kathadumar,
Block - Simri Bakhtiyarpur, Police Station- Simri Bakhtiyarpur,
District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Fahimuddin
For the Respondent/s : Mr. Gyan Prakash Ojha (GA-7)

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

Date : 10-02-2022

The matter is heard via video conferencing due to



circumstances prevailing on account of the COVID-19 pandemic.

State counsel accepts notice for respondent nos. 1 & 2. Service of notice to respondent no.10, Renu Kumari stands dispensed with since no adverse order is passed.

In the present petition, the petitioner has prayed for the following relief:-

“(i) For issuance of writ of certiorari or any other appropriate writ order, orders, direction for quashing the order dated 03.01.2020 passed by the District Programme Officer, Saharsa in Anganbari Appeal No. 66/2019-20 by which the petitioner’s appointment on the post of Anganbari Sevika has quite erroneously been cancelled and also directed to issue appointment letter to the respondent no.10.

(ii) For issuance of writ of mandamus or any other appropriate writ, order, orders, direction to the respondents to allow the petitioner to continue her service on the post of Anganbari Sevika under Simri Bakhtiyarpur Block, District-Saharsa.

(iii) for grant of stay of impugned order as contained in Annexure-I of this writ application.

(iv) For grant of any other appropriate relief or reliefs for which the petitioner may be entitled, deemed fit and proper in the facts and circumstances of the case.”

Undisputedly, petitioner has statutory remedy before the Appellate Authority. 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 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.”

The present petition is premature, accordingly, the petition stands disposed of, reserving liberty to the petitioner to prefer an appeal before the Appellate Authority within a period of eight weeks from the date of receipt of this order.

In the event of filing of such appeal, the Appellate Authority is hereby directed to provide ample opportunity of hearing to the petitioner and Respondent No.10, Renu Kumari



and proceed to decide the appeal within a period of four weeks
from the date of receipt of appeal to be filed by the petitioner.

(P. B. Bajanthri, J)

kamlesh/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	18.02.2022
Transmission Date	NA

