

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7900 of 2021

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Santi Devi Wife of Ram Vijay Singh Resident of Village- Dhindhaur Bigha,
Police Station- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Social Welfare Department, Patna.
2. The Divisional Commissioner Magadh Commissionery Gaya.
3. The District Magistrate Gaya.
4. The District Program Officer Gaya.
5. The Block Development Officer Belaganj, Gaya.
6. The C.D.P.O., Belaganj Gaya.
7. Sri Suresh Yadav The then Mukhiya-cum- Chairman of the Aam Sabha dated 18.06.2003, Dhindhaur Bigha, Bajitpur Panchayat, Belaganj, Gaya.
8. Ranju Kumari Sinha Wife of Santosh Kumar Resident of Village- Dhindhaur Bigha, Police Station- Belaganj, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Kumar
For the Respondent/s : Mr.Gyan Prakash Ojha (Ga7)

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

Date : 11-02-2022

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 sought for following reliefs:

“A. For issuance of writ/ writs in the nature of certiorari for quashing the appointment of respondent no. 8 of Aganwari Sevika at Dhindhaur Bigha, Aganwari centre under Bajitpur Panchayat, Belaganj, Gaya held on the Aam Sabha dated 18.06.2003 as the appointment was done against the rule/



guidelines prescribed by the welfare department, Government of Bihar, Paripatra no. 1500 dated 28.08.2002 and others in which it was prescribed that the candidate must be aged between 18 to 40 years old and no any relative is in Government/ Corporation Servant (Service).

B. For issuance of a writ of mandamus commanding the respondents to appoint the petitioner as Anganwari Sevika who was eligible candidate for the appointment on the post of Dhindhaur Bigha, Anganwari centre under Bajitpur Panchayat, Belaganj, Gaya.

C. For issuance of such other order/orders as your lordships may deem, fit and proper in the facts and circumstance of the case.”

3. Petitioner’s grievance is in respect of selection and appointment to the post of Anganwari Sevika at Dhindhaur Bigha, Anganwari Centre under Bajitpur Panchayat, Belaganj, Gaya with reference to Aam Sabha dated 18.06.2003. The present petition is presented in the year 2021. The petition is hopelessly barred by limitation and laches in the light of Apex Court decision in the case of State of *Jammu and Kashmir V. R.K. Zalpuri* reported in *AIR 2016 SC 3006* at para 20 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 if 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.”

4. Accordingly, the present petition stands dismissed on the ground of delay and laches.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.02.2022
Transmission Date	

