

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6944 of 2021

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Priti Kumari Singh Wife of Ratnesh Kumar Singh, resident of Village -
Kaurudhauru P.S. Manjhi Dist. - Saran at present residing at Village Dhani
Chapra P.S. Manhji Dist. Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Social Welfare Deptt. Patna.
2. The Director, I.C.D.S., Social Welfare Deptt. Govt. of Bihar, Patna.
3. The District Magistrate, Saran.
4. District Programme Officer, I.C.D.S., Saran, Chapra.
5. Child Development Project Officer, Manjhi, Dist. Saran.
6. Sunita Singh, Wife of Late Amrendra Kumar Singh, Resident of Village -
Dhani Chapra, P.S. Manjhi, Dist. - Saran.

... .. Respondent/s

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Appearance :

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

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

Date : 09-02-2022

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

2. State counsel accepts notice for respondent Nos. 1 to
5.

3. Service of notice to respondent No. 6 is dispensed
since no adverse order is passed.

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

“That this application is being filed for issuance of
writ in the nature of Mandamus direction to the Respondents
to make selection of the petitioner after cancelling the



selection of Respondent No. 6 as Anganwari Sevika as her selection is illegal and without following of selection procedure at Kauru Dhaura Panchayat in the district of Saran.”

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:

(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, the present petition is premature, therefore, the petitioner is at liberty to prefer appeal

Underline Emphasized



before the 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 6th respondent – Sunita Singh. 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	

