

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7922 of 2021

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Md. Shakib Ansari Son of Naseem Ansari Resident of Mohalla- Naya Bazar,
Ward no. 7, P.s.- Buxar, District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar through the Director District Magistrate, Buxar
2. The Director, D.R.D.A., BuxAR
3. The Deputy Development Commissioner, Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Mishra
For the Respondent/s : Mr.

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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 prayed for
following reliefs:

“1. That, this is an applicable
for issuance of writ of Certiorari for quashing
the Order of Dismissal dated 25.01.2021,
passed by the Deputy Development
Commissioner, Buxar (Respondent No. 3),
whereby and whereunder the Petitioner has
been dismissed from the post of Computer
Operator, Zila Parishad, Buxar, inter-alia, the
following

RELIEFS

(i) The order of dismissal dated
25.01.2021 passed by the Deputy Development
Commissioner, Buxar be set-aside reinstate the
Petitioner in his service with all consequential
benefits.

(ii) Respondent Authorities be



directed to reinstate the Petitioner in his service with all consequential benefits.

(iii) For grant of any other relief or reliefs to which the petitioner may be found entitled to in the facts and circumstances of this case.”

3. Undisputedly, petitioner has statutory remedy of appeal before the appellate authority against the order of dismissal dated 25.01.2021 passed by the Deputy Development Commissioner, Buxar (Respondent No. 3). Therefore, the present petition is pre-mature in the light of Apex Court's decision rendered in the case 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 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.”

4. Accordingly, the instant petition stands disposed of reserving liberty to the petitioner to prefer an appeal before the appellate authority within a period of eight weeks from today. On receipt of petitioner's memorandum of appeal, the appellate authority is hereby directed to decide the same within a period of four months from the date of receipt of petitioner's memorandum of appeal.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.02.2022
Transmission Date	

