

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8983 of 2021

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Sunita Kumari, Wife of Nand Kishore Singh, resident of Village Shekhpura,
Police Station-Rampur Chauram, District-Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. The Director, Department of Social Welfare, Bihar, Patna.
4. The District Magistrate, Arwal.
5. The District Programme Officer, Arwal.
6. The Child Development Project Officer, Karpi, Arwal.
7. The Secretary, Bihar Sanskrit Siksha Board, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar
For the Respondent/s : Mr. Lalit Kishore, AG

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

Date : 29-04-2022

Heard the matter through virtual Court
proceedings.

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

“(i) For issuance of an appropriate writ/writs, order/orders, direction/directions in the nature of certiorari to quashing the letter No. 66 dated 01.02.2021 issued by the respondent No. 6 whereby and where under the petitioner has been removed from the



post of Anganwari Sevika Centre No. 216, Gram Panchayat – Belkhara Centre, Sheikhpura under the Clause -11 of the Guideline of Anganwari Sevika Selection 2016, the letter dated 01.02.2021 has been received by the petitioner on 13.02.2021 by post.

(ii) To direct the respondents to not take any coercive action against the petitioner during pendency of the writ petition.

(iii) To direct the respondent to immediate reinstate the petitioner on her selected post.

(iv) To grant any other relief/reliefs to the petitioner under the facts and circumstances of the case as well as in law.”

The petitioner has statutory remedy of appeal before the appellate authority against the order of removal dated 01.02.2021 passed by respondent no. 6, in the light of Apex Court decision in the case of ***State of Jammu and Kashmir Vs. 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 Vs. 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”.

The present petition is premature.

Accordingly, the present petition stands disposed of, reserving liberty to the petitioner to prefer appeal before the appellate authority, if it is not already filed.

The concerned appellate authority is hereby



directed to decide the petitioner’s appeal within a period of three months from the date of receipt of such appeal.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2022
Transmission Date	NA

