

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8625 of 2021

=====

Pinki Kumari Wife of Sri Vijay Rai, Resident of Village - Dayalpur Ward No. 7, P.O. - Dayalpur P.S. Janta Bazar, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director, I.C.D.S., Government of Bihar, Patna.
3. The District Magistrate-Cum-Collector, Saran at Chapra.
4. The District Programme Officer (I.C.D.C.), Saran at Chapra.
5. The Child Development Project Officer, Block Lahladpur, District - Saran.
6. The Supervisor, Child Development Project, Block Baniyapur, District - Saran.
7. Smt. Priti Singh, W/o Sri Vikas @ Sri Vikas Yadav, resident of Village and P.O. Dayalpur, P.S. Janta Bazar, District - Saran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Umeshanand Pandit, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

=====

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

Date : 15-02-2022

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

Service of notice to seventh respondent-Priti Singh is dispensed with since no adverse order is passed against her.

In the instant petition, petitioner has prayed for the following relief(s):-

“For issuance of an appropriate writ or writs, order or orders direction or directions including a writs prefer in the nature of mandamus and direct to respondents authorities for quashing the Memo No. 221 dated 28.01.2021 is-



sued by respondent no.4, The District Programme Officer I.C.D.S., Chapra, (ANNEXURE-7) (candidature/eligibility of respondent No. 7) to guidelines of Anganbari Sevika / Sahayaika vide Memo no. 286/Mu dated 27.05.2019 of appointment 2019 issued by the Social Welfare Department, (I.C.D.S.), Government of Bihar, whereby and where under the Child Development Project Officer (respondent no. 5) as well as Supervisor (respondent no. 6) Block Lahladpur, District-Saran have not follows the said rules/ guidelines issued by the concerned department, they have wrongly established the candidature/eligibility/selection of the of respondent no. 7 namely Priti Singh on the post of Anganbari Sewika in Center No. 101 (Ward No.-7) under Gram Panchayat- Dayalpur, Block Lahladpur, District Saran. It is further started whole selection process has wrong for the post of Anganbari Sevika in center no. 101 (Ward No. 7), under Gram Panchayat Raj Dayalpur, and/or any other relief or reliefs to which the petitioner is entitled in the facts and circumstances of present case as stated hereinafter.”

The petitioner has statutory remedy of appeal before the appellate authority. Without exhausting the statutory remedy of appeal writ petition cannot be entertained 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 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.”

Accordingly, the present petition stands dismissed as premature reserving liberty to the petitioner to approach appellate authority in filing an appeal.

The appellate authority is hereby directed to take note of Section 14 of the Limitation Act, 1963 for the purpose of condonation of delay in presenting memorandum of appeal. If such appeal



is filed the same shall be considered within a period of four months from the date of receipt of appeal, after giving due opportunity of hearing to seventh respondent-Priti Singh.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

