

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6404 of 2020**

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Rekha Kumari Wife of Sri Munna Kumar, Resident of Village- Mathiya  
Under Gram Panchayat- Hariwanshpur, Post Office- Bishawanbharpur Block,  
Police Station- Dinara, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Social Welfare, Government of Bihar, Patna.
2. The Director, Directorate of integrated Child Development Scheme, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The District Programme Officer, Rohtas at Sasaram.
5. The Child Development Project Officer, Dinara District- Rohtas.
6. The Lade Supervisor Cum Member Secretary Aaganwari Sevika/ Sahayika Selection Committee G.P. Hariwanshpur Block- Dinara, District- Rohtas at Sasaram.
7. The Secretary Bihar Sanskrit Shiksha Board, Patna.
8. The Head Master Adarsh Sanskrit Primary Cum High School Hethua, Rajpur, District- Buxar.
9. Kusum Kumari, Wife of Sri Om Prakash Singh, Resident of Village- Mathiya, Police Station- Dinara, District- Rohtas at Sasaram.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate  
For the Respondent/s : Mr. Gyan Prakash Ojha, GA 7

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

**Date : 29-03-2022**

Heard learned counsel for the parties.

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

8.

3. Service of notice to respondent No. 9 – Kusum Kumari

stands dispensed since no adverse order is being passed against  
her.



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

“That this is an application for issuance of an appropriate writ(s), order (s) or direction (s) for quashing of the selection dated 28.04.2018 of Respondent No. 9 as Anganwari Sevika of Ward No. 2 under gram Panchayat Harivashpur within the Block Dinara of the district Rohtas since the certificate/ Marks issued by the Respondent No. 7 is his valid because the School from where the Respondent No. 9 has appeared in the respondent Board examination is of no existence in anywhere of the district.”

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 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 by the Appellate Authority after giving ample opportunity of hearing to the petitioner as well as 9<sup>th</sup> respondent – Kusum Kumari 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./-

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