

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9609 of 2021

=====

Shabista Begam W/o Tahzeeb Alam Resident of Village- Dhangarha, Samiti
Tola, P.O. Dhangarha P.S.- Korhobarhi, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Secretary cum Commissioner, Social Welfare Department, Government of Bihar.
3. Director, Social Welfare Department, Integrated Child Development Services (I.C.D.S.), Directorate
4. District Programme Officer (I.C.D.S.) Collectorate, Kishanganj.
5. Child Development Programme Officer, Dighalbank Block, Kishanganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjesh Kumar Singh
For the Respondent/s : Mr. Lalit Kishore (AG)

=====

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

Date : 18-02-2022

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

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

*“This is an application on
behalf of the petitioner for
quashing/setting aside the order dated
19.12.2020 passed/issued by the
District Programme Officer, (Zila*



Programme Padadhikari), Kishanganj, by which the District Programme Officer, Kishanganj, has removed the petitioner from the post of Aanganbadi Sevika, Aanganbadi Kendra, Dhangarha Samittee Tola, Kendra Sankhya 104, Dhangarha Panchayat District-Kishanganj. Further, for a direction to the respondents, particularly to respondent no.4, to reinstate the petitioner on the post she has been removed (Chayanmukt) from.”

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 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”.



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 appellate authority is hereby directed to decide the petitioner’s appeal after giving ample opportunity of hearing to the petitioner. Such exercise shall be completed within a period of three months from the date of receipt of the petitioner’s appeal.

Accordingly, writ petition stands disposed of.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.02.2022
Transmission Date	NA

