

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9827 of 2021

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Urmila Devi Wife of Lalit Kumar Paswan Resident of village- Betaha, Ward
no. 06, Post Office and Police Station- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Human Resources and Child Welfare and Development, Patna, Bihar
2. The District Magistrat, Madhubani
3. The District Education Officer, Madhubani
4. The District Programme Officer, Child Welfare and Development , District- Madhubani
5. The Child Developemnt Project Officer, Benipatti, District- Madhubani
6. The Sub Divisional Officer, Benipatti, District- Madhubani
7. The Block Development Officer, Benipatti, District- Madhubani
8. The Block Education Officer, Benipatti, District- Madhubani
9. The Panchayat Committee, Child Welfare and Development, Behata, Police station- Benipatti, District- Madhubani
10. The Mukhiya Panchayat, Behata, Police Station- Benipatti, District- Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. None.
For the Respondent/s : Md. Raisul Haque, SC 10

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

Date : 29-04-2022

This matter is heard *via* video conferencing.

None appears for the petitioner.

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

“For invoking the inherent jurisdiction of this Hon’ble High Court for passing an appropriate writ/writs or order/orders or direction/directions to the respondent authorities to set aside the order dated 24.03.2021 bearing Memo No. 323 passed



by the Sub-Divisional Officer, Benipatti for selection of Anganbari Sevika at Anganbari Centre No. 85, Betaha, Paswan Toli in Ward No. 05, Betaha, Benipatti, District-Madhubani.”

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 disposed off reserving liberty to the petitioner to prefer an appeal before the appellate authority within a period of eight weeks from the date of receipt of this order. The appellate authority is hereby directed to take note of delay in presenting the memorandum of appeal with reference to Section 14 of the Limitation Act, 1963. If such appeal is filed the appellate authority shall decide the petitioner's appeal within a period of three months from the date of receipt of petitioner's appeal.

(P. B. Bajanthri, J)

Vikash/-

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

