

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9865 of 2021

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Suman Kumari, Wife of Omprakash Kumar Ram, Resident of Sareya Manikpur, Ward No. 9, Post Office-Manikpur Sareya, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Welfare Department, Old Secretariat, Government of Bihar, Patna.
2. The Principal Secretary, Welfare Department, Old Secretariat, Government of Bihar, Patna.
3. The Director, ICDS Bihar, Patna.
4. The District Magistrate, East Champaran.
5. District Programme Officer, East Champaran, Motihari.
6. District Education Officer, East Champaran, Motihari.
7. District Panchayat Raj Officer, East Champaran, Motihari.
8. Child Development Project Officer, Harsidhhi, East Champaran.
9. Ward Member cum Chairman, Selection Committee, Ward No.-09, Gram Panchayat Raj Hasuanha Manikpur, Block-Harsidhhi, District East Champaran, Motihari.
10. Meera Kumari, Wife of Vikash Ram, Resident of Sareya Manikpur, Ward No. 9, Post Office-Manikpur Sareya, District East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

Date : 12-01-2022

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

2. State counsel accept notice for respondents. Service of notice to respondent no. 10 is dispensed since no adverse order is passed in the present petition.



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

“1. That the present writ application is being filed for quashing of the appointment of the private respondent no. 10 on the post of Aganbari Sevika for the Aganbari Center situated in Ward No. 9 under Gram Panchayat Raj Hasuanha Mahikpur, Block- Harsidhhi, District- East Champaran, Motihari, appointed vide letter dated 25.09.2018 issued under the signature of Child Development Project Officer, Harsidhhi, East Champaran.”

4. Petitioner has statutory remedy of appeal against the order dated 25.09.2018 and without exhausting remedy of appeal petitioner has approached this Court.

5. Accordingly, the instant petition stands dismissed in the light of Apex Court's decision rendered in the case of State of *Jammu and Kashmir V. R.K. Zalpuri* reported in *AIR 2016 SC 3006* at para 20 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.”

6. Petitioner is stated to have preferred appeal before the appellate authority-respondent no. 5 (Annexure-P/9). If the same is on the file of the appellate authority, the appellate authority is hereby directed to decide the petitioner’s appeal within a period of three months from the date of receipt of this order after giving due opportunity of hearing of petitioner and respondent no. 10- Meera Kumari.

(P. B. Bajanthri, J)

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CAV DATE	
Uploading Date	
Transmission Date	

