

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9957 of 2021

Smt. Runni Kumari wife of Suraj Paswan Resident of Village- Deo Bigha, Ward No. 8, Grampanchayat Raj Dosut, Police Station- Rahui, (Wena), Post Office- Dosut, Via- Harnaut, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Officer, Nalanda at Bihar Sharif, District- Nalanda.
2. The Director, INTEGRATED CHILD DEVELOPMENT SERVICE (I.C.D.S.), Social Welfare Department, Bihar, New Secretariat Building, Patna.
3. The Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
4. The District Officer, Nalanda, Collectorate Building at Bihar Sharif, District- Nalanda PIN- 803101.
5. The District Programme Officer, Nalanda, Zila Programme Shakha, Nalanda Collectorate at Bihar Sharif, PIN- 803101.
6. The Child Development Project Officer, (C.D.P.O.), Rahui, Nalanda.
7. The Head Master, Rajkiyakrit Mahadeo Uchch Madhyamik Plus 2 Vidyalay, Khusrupur, Patna.
8. The Bihar School Examination Board, Patna, through its Secretary.
9. The Secretary, Bihar School Examination Board, Patna.
10. Dy. Secretary (Nigrani), Bihar School Examination Board, Patna.
11. Babita Devi Wife of Sunder Paswan Resident of Village- Deo Bigha, Ward No.- 8, Gram Panchayat Raj Dosut, Police Station- Rahui (Wena) Post Office- Dosut, Via- Harnaut, District- Nalanda.
12. The Sub- Divisional Officer, Bihar Sharif, District- Nalanda, PIN- 803101.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad Singh, Advocate
For the Respondent/s : Mr. Smt. Kumari Amrita (GP 3)

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

Date : 08-03-2022

Heard learned counsel for respective parties.

Service of notice to eleventh respondent-Babita Devi 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 writ in the nature of either CERTIORARI or MAN-DAMUS in pursuance of making selection and appointing the petitioner Runny Kumari as an ANGANWARI SEVIKA in Ward No.-8, Village- Deo Bigha, under Gram Panchayat Raj Dosut, by RESCINDING the quite illegal and Disqualified JOINING LETTER dated 25.01.2019 to the Babita Devi (Respondent No.-11) who has illegally been selected on her Manoeuvred and Employing artifice way with effect from 03.11.2018 (not available till the day, since demanded through R.T.I. w.e.f. 30.01.2021 and 10.03.2021 (annexure-11 series) along with showing her concocted and FABRICATED Certificates and Marks sheet of Bihar School Examination Board Patna with her Roll Code 07232 No.0348, the annual Madhyamik Examination held in the year 2002, with respect to High School Khusrupur (Rajkiyakrit Mahadeo Uchch Madhyamik (+2) Vidyalay Khusrupur) Patna as well as issuance of an Order through Gyapank 1885/ PRO 24.10.2019 passed in the Case No. 66 of 2019, are being the wholly FAULTY and BELED in view of Patrank 68 dated 11.02.2019 (Annexure-6) and in such the situation under Fidelity of Facts, the quite MERETRIOUSLY selection of Respondent No.-11, Babita Devi an Aganwari Sevika w.e.f. as 03.11.2018 and joining dated 25.01.2019 as well as Fraudulently obtaining the Secondary School Examination Certificate of annual examination, 2002, bearing Sl. No. 02 ACO188-771, Roll Code 07232 Roll No. -0348 and Marks Sheet bearing Sl. No. 0226561 of Annual Examination 2002 bearing Roll Code



No.7132Roll No.-348(annexure-2,series being the FALSE AND FABRICATED and accordingly issuance of ORDER through Gyapank 1885/Pro 24.10.2019are the wholly meretriciously absurd and perverse on the basis of COLLUSIVE Enquiry Report Letter No. BSEB-1614/2019dated 02.09.2019(Annexure-7 Series) being also an assailable one, which are righteously deserved to be demolished and set aside under Law.”

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 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 eleventh respondent-Babita Devi.

(P. B. Bajanthri, J)

Vikash/-

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

