

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10236 of 2020

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Kiran Devi Wife of Suresh Prasad Gupta Resident of Village- Baishakhawa,
Police Station- Gopalpur, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, patna
2. The Director, I.C.D.S., Old Secretariat, Patna, Bihar
3. The District Magistrate, West Champaran at Bettiah
4. The District Programme Officer, I.C.D.S., Bettiah, West Champaran
5. The Child Development Programme Officer, Sikta Block, District- West Champaran
6. The Ward Development Committee Member, Gram Panchayat Raj Jhakhara, Baishakhawa, Village- Baishakhawa, Block- Sikta, Police Station- Gopalpur, District- West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

Date : 10-01-2022

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

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

- “(i) For quashing the order dated 21.03.2020 (Annexure-04)
passed by District Programme Officer, Bettiah, West
Champaran contained in Memo No. 530, whereby petitioner
was terminated from the post of Anganbari Sevika.
(ii) To Stay the direction issued by Respondent No. 2 as
contained in memo No. 2 as contained in memo No. 2509
dated 20.05.2020 (Annexure-07) whereby a direction has



been issued for the appointment of Anganwari Sevika at the vacant Center.

(iii) For directing the respondent authorities to again allow the petitioner to work as Anganwari Sevika.

(iv) For any other relief/reliefs for which petitioner is found entitled in the facts and circumstances of this case.”

3. The petitioner without exhausting statutory remedy of appeal against the order of dismissal dated 21.03.2020 presented this petition.

4. Accordingly, the present petition stands disposed off as premature in the light of 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** has 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”



5. In the light of the above facts and circumstances, the petitioner has not made out a case hence writ petition stands disposed of as premature, reserving liberty to the petitioner to prefer appeal before the Appellate Authority. If Memorandum of Appeal is filed within a period of eight weeks from the date of receipt of this order, the concerned Appellate Authority is hereby directed to take note of Section 14 of the Limitation Act for the purpose of condonation of delay in preferring appeal before the Appellate Authority.

6. With the above observation, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	14.01.2022
Transmission Date	

