

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10051 of 2021**

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Laxmi Kumari @ Lakshmi Kumari Wife of Hareram Kumar Mandal Resident of Village- Laxmipur, Ward No. 12, P.O.- Dhabahi, Via- Narhiya, P.S.- Laukahi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary.
2. The Integrated Child Development Society Through Director, Bihar, Patna.
3. The Commissioner Darbhanga Division, Darbhanga.
4. The District Magistrate Madhubani.
5. The District Programme Officer (Welfare) Madhubani.
6. The Sub- Divisional Officer Phulparas, District- Madhubani.
7. The Child Development Programme Officer Block- Laukahi, District- Madhubani.
8. Sunaina Devi Wife of Brahmdev Kumar Resident of Laxmipur, P.O.- Dhabahi, Via- Narhiya, P.S.- Laukahi, District- Madhubani.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate  
For the Respondent/s : Mr. Md. Raisul Haque (SC10)

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

**Date : 23-02-2022**

Heard learned counsel for respective parties.

Learned State counsel accepts notice for respondents.

Learned counsel for the petitioner is hereby directed to serve a copy of the petition to learned counsel for the State if it not already served.

Service of notice to eight respondent-Sunaina Devi is dispensed with since no adverse order is passed in the present petition against her.



In the instant petition, petitioner has prayed for the following relief(s):-

*“(i) For issuance of appropriate an order, direction Writ for declaration that selection of respondent No.8 On the post of Anganwadi Sevika at centre No.169, under Gram Panchayat Mansapur, Ward No.12, Block- Laukahi, Sub-Division, Phulparas, District- Madhubani is concerned illegal and against the provisions of selection on the post of Angabadi Sevika, because ignoring who belongs to majority caste Extremely Backward Class, Dhanuk (Mandal) respondent No.8 has been selected who belongs to minority caste Sah.*

*(ii) Further for appropriate direction or writ in the nature of MANDAMUS commanding the respondents to select the petitioner on the post of Anganbadi Sevika at centre No.169, under Gram Panchayat Ward No.12, Block Mansapur, Laukahi, Sub-Division, Phulparas, District-Madhubani.*

*(iii) For any other relief or reliefs for which the petitioner may be found entitled to in the facts and circumstances of the case.”*

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 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 eighth respondent-Sunaina Devi.

**(P. B. Bajanthri, J)**

Vikash/-

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