

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9610 of 2020

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Babita Kumari @ Babita Devi Wife of Raj Kumar Sahni Resident of Village-
Shiva Ghat, Malahi Tola, Block- Chanpatiya, 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 Program Officer, Chanpatiya Block, District- West Champaran
6. The Ward Development Committee Member, Gram panchayat Raj Uttari Ghogha, Village- Malahi Tola, Block- Chanpatiya, 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. Prashant Pratap, GP-2

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

Date : 06-01-2022

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 sought for following reliefs:

“That this writ application is being filed for issuance of appropriate writ/writs, order/orders, direction/directions to the Respondent authorities for the following reliefs:-

(i) For quashing the order dated 10.04.2020 (Annexure-03) passed by District



Programme Officer, Bettiah, West Champaran contained in Memo No. 614, 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. 2509 dated 20.05.2020 (Annexure-05) whereby a direction has been issued for the appointment of Anganwari Sevika at the vacant Center.

(iii) For directing the respondent authorities to against allowed 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 presented this petition.

4. Therefore, the present petition is pre-mature to entertain in the light of Apex Court decision 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 if 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.”

5. Accordingly, the present petition stands disposed of reserving liberty to the petitioner to prefer appeal before the appellate authority. If such appeal is filed within a period of six weeks from the date of receipt of this order, the same shall be decided by the appellate authority within a period of three months from the date of receipt of petitioner’s appeal.

(P. B. Bajanthri, J)

rakhi/-

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CAV DATE	
Uploading Date	
Transmission Date	

