

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9523 of 2020

=====

Shakuntala Devi wife of Raj bansh Pandey resident of House No 103,
Fajalganj, Sasaram permanent resident of Vill- Thakurahat, P.O. Sabar, Dist-

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Kaimur at Bhabhua.
2. The Director, ICDS Department, Bihar at Patna.
3. The District Programs Officer ICDS, Kaimur at Bhabhua.
4. The Child Development Project Officer, Rampur, Kaimur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Pandey
For the Respondent/s	:	Mr. Lalit Kishore (Ag)
	:	Mr. Prasahant Pratap, GP 2

=====

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 prayed for the
following relief/reliefs:

“That the present writ application is for
issuance of appropriate writ, order or direction in the
nature of certiorari for quashing the order dated 3.4.2020
passed by Respondent No. 3 whereby and where under
the services of petitioner has been terminated from the
post of Anganwari Sewika with immediate effects.”



3. The petitioner without exhausting statutory remedy of appeal preferred the present petition, thus, it is 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”

4. Accordingly, petition stands disposed off reserving liberty to the petitioner to prefer an appeal before the Appellate Authority within a period of six weeks from the date of receipt of this order. In event of filing of appeal the Appellate Authority is



hereby directed to decide the petitioner’s appeal within a period of
three months from the date of receipt of the appeal.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

