

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9548 of 2020

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Sukharaji Devi, Wife of Gaurishankar Singh, resident of Vill - Thakurahat,
P.O.- Sabar, P.S. - Karmchat, Dist.- Kaimur.

... .. 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

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey, Advocate
For the Respondent/s : Mr. Sunil Kumar Mandal, SC-3

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

Date : 03-02-2022

This matter is heard via video conferencing due to
circumstances prevailing on account of COVID-19 Pandemic.

2. Heard learned counsel for the parties.

3. In the instant petition, the petitioner has prayed for the
following 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
(Annexure 2) passed by Respondent no.3 whereby and
where under the services of petitioner has been
terminated from the post of Anganwari Sahayika with
immediate effects.”

4. Without exhausting the statutory remedy of appeal,
the petitioner has reached to this Court. In the light of the 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 (para 20)*, the present petition is premature. Para 20 reads 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. Since the present petition is premature, accordingly, the writ petition stands dismissed reserving liberty to the petitioner to prefer appeal before the Appellate Authority. If such appeal is filed by the petitioner before the Appellate Authority, the Appellate Authority is hereby directed to examine the petitioner's appeal



while hearing the petitioner and 3rd party whose right is likely to be affected.

6. The above exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

(P. B. Bajanthri, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.02.2022
Transmission Date	NA

