

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12814 of 2021

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Rekha Kumari, Female, Aged about 22 Years, W/o Niranjan Kumar R/o Village- Unchidih, Ward No. 14, P.O.- Ramkaran Pakari, P.S.- Pipra, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Social Welfare Dept., Govt. of Bihar, Patna.
2. The Director, I.C.D.S., Bihar, Patna.
3. The District Magistrate, East Champaran, Motihari.
4. The District Programme Officer, I.C.D.S., East Champaran, Motihari.
5. The Child Development Project Officer, Chakia, East Champaran at Motihari.
6. Rina Kumari W/o Sanjit Kumar Sah Resident of Village- Unchidih, Ward No. 14, P.O.- Ram Karan Pakari, P.S.- Pipra, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar
For the Respondent/s : Mr.Md. Raisul Haque (Sc10)

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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.

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

“That this is an application for issuance of an appropriate writ/s, order/s, direction, directing the respondents concerned to consider the claim of the petitioner and cancel the selection/ appointment of Respondent No. 6 and appoint the petitioner on the post of Sevika of Anganbari Centre No. 235, Ward No. 14, Unchidih under Sagar Panchayat, Block – Chakia, District – East Champaran in as much as Respondent No. 6 has been selected on the basis of forged certificate and she has played fraud and misrepresentation of fact and to this



effect, the petitioner is raising her objection since very beginning of selection process.

And for any other relief (s) for which the Petitioner is found to be entitled in the facts and circumstances of the case.”

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”

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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	
CAV DATE	
Uploading Date	14.01.2022
Transmission Date	

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