

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1519 of 2021

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Suman Kumari Wife of Lalit Choupal Resident of Village- Bakori, Jajuar East, Ward No. 04, P.O.- Angonva, Police Station- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director I.C.D.S., Government of Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The District Programme Officer, Muzaffarpur.
5. The Block Development Officer, Katra, Muzaffarpur.
6. The Block Education Officer, Katra, Muzaffarpur.
7. The C.D.P.O. Katra, Muzaffarpur.
8. Laxmi Devi Wife of Satyendra Paswan Resident of Village- Bakori, Jajuar East, Ward No. 4, P.O.- Angonva, P.S.- Katra, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

2 24-01-2022 The matter is heard via video conferencing due to
circumstances prevailing on account of Covid-19 pandemic.

In the instant petition, petitioner has prayed for the
following relief;-

“ For issuance of a writ/ order/
direction(s) in the nature of
mandamus commanding upon
the respondent specially
C.D.P.O Katra, Muzaffarpur, to



select the petitioner on the post of Anganwari Sevika at Panchayat Jaiuar East village of Bakori Ward No. 2 and quash the order dated 22.05.2019 by which order Laxmi Devi (Respondent No. 8) has been selected as Anganwari Sevika at village- Bakori Ward No. 4 Block Katra without adopting/ following the direction norms issued in the circular of appointment/ selection for the post of Anganwari Sevika/ Sahayika and to stop for sending Laxmi Devi (Respondent No. 8) in the sevika training who have illegally selected as Sevika in village- Bakori, Ward no. 4 at Jajuar East Panchayat.

Service of notice to respondent no. 8 is dispensed.



Since no adverse order is passed in the present petition.

Having regard to the relief sought in the present petition, petitioner has statutory remedy of appeal before the appellate authority therefore, present petition is premature in the light of Apex Court decision in the case 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.

Therefore, petitioner has not made out a case.
Accordingly, the instant petition stands disposed of reserving
liberty to the petitioner to prefer appeal before the appellate
authority within a period of eight weeks from the date of receipt
of this order. If such appeal is filed, appellate authority is hereby
directed to redress the grievance of the petitioner after due
hearing of petitioner and respondent no. 8 namely, Laxmi Devi
within a period of four months from the date of receipt of
petitioner's appeal.

(P. B. Bajanthri, J)

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