

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3169 of 2021

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Soni Kumari wife of Sri Hareram Gupta resident of village Laxmipur, Post and Police Station Bhaironganj, 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. Directorate, Social welfare Department, Bihar, Patna.
3. The District Magistrate, West Champaran.
4. The District Programme Officer (ICDS), West Champaran.
5. The Child Development Programme Officer, Bagaha - 1, West Champaran.
6. Bindu Kumari wife of Sri Ram Kumar resident of ward no. 5, Laxmipur, Post and Police Station Bhaironganj, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the Respondent/s : Kumari Amrita, GP 3

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

Date : 29-01-2022

The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. State counsel accepts notice for the Respondent Nos. 1 to 5.

3. Issuance of notice to 6th Respondent is dispensed since no adverse order is passed.

4. In the instant petition, petitioner has prayed for the following relief:

“That the petitioner is invoking the writ jurisdiction of this Hon’ble Court for issuance of appropriate writ/writs,



order/orders or direction/directions for commanding the respondents authorities to consider the objection filed by the petitioner for correcting her caste category and to consider her case for appointment on the post of aanganwadi sevika at aanganwadi centre situated under ward no. 5 Laxmipur in Bhaironganj Gram Panchayat in Bagaha – I block of District West Champaran on the basis of her merit point in EBC category, after cancelling the selection of respondent no. 6, who was placed at second position in merit list under EBC category and for any other order/orders or relief/reliefs which the petitioner may found to be entitled in the facts and circumstances of the case.”

5. The petitioner without exhausting statutory remedy of appeal presented this petition and petition is not maintainable in view 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 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;

Underline Emphasized



(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”

6. Therefore, the petitioner is at liberty to prefer appeal before the Appellate Authority within a period of eight weeks from the date of receipt of this order. If such an appeal is preferred by the petitioner, the same shall be considered after giving ample opportunity of hearing to the petitioner as well as 6th Respondent-Bindu Kumari. Such exercise shall be completed within a period of three months from the date of receipt of this order.

7. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

