

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9927 of 2020

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Chanda Khatoon Wife of Mumtaj Alam, Resident of Village-Dhobaha Tola,
Bheriharwa, Ward No.11, Post Office- Rakhahi, Gram Panchayat Raj Kesaria,
Block Narkatiaganj, Police Station-Shikarpur, 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., Old Secretariat, Patna, Bihar.
3. The District Magistrate, West Champaran at Bettiah.
4. The District Programme Officer, I.C.D.S., Bettiah, West Champaran.
5. The Block Development Officer, Narkatiaganj Block, District-West Champaran.
6. The Child Development Programme Officer, Narkatiaganj Block, District-West Champaran.
7. The Lady Supervisor Child Development Project Office, Narkatiaganj Block, District-West Champaran.
8. The Mukhiya, Gram Panchayat Raj Kesaria, Block-Narkatiaganj ,District-West Champaran.
9. Rina Devi Wife of Mintu Pal Resident of Village-Dhobaha Tola, Bheriharwa, Ward No.11, Post Office-Rakhahi, Gram Panchayat Raj Kesaria, Block Narkatiaganj, Police Station-Shikarpur, District-West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7
For the Respondent/s : Mr. Gyan Prakash Ojha, GA-7

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

Date : 04-02-2022

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

2. None appears for the petitioner.

3. State counsel accept notice for Respondent Nos. 1



to 8. Service of notice to 9th respondent is dispensed since no order is passed in the present petition.

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

“1. That this writ application is being filed for issuance of appropriate writ/writs, order/orders, direction/directions to the Respondent authorities for the following relief:-

(i) For quashing the appointment of Rina Devi (Respondent No. 9) from the post of Anganwari Sevika of Ward No. 11, village- Bheriharwa Gram Pnachayat Raj Kesaria, Anganwari Center No. 325 of Block Narkatiganj, Police Station- Shikarpur, District- West Champaran.

(ii) For directing the respondent authorities to again start a fresh appointment process and complete the same within a stipulated period.

(iii) For any other relief/reliefs for which petitioner is found entitled in the facts and circumstances of this case.”

5. The petitioner without exhausting statutory remedy of appeal presented this petition.

6. Therefore, the present petition is pre-mature to entertain in the light of Apex Court decision in the case of State 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.”

7. Accordingly, the present 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. The appellate authority is hereby directed to decide the petitioner’s appeal within a period of three months from the date of receipt of petitioner’s appeal after hearing petitioner and 9th Respondent- Rina Devi.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

