

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10229 of 2020

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Dhananjay Kumar Son of Late Braj Kishore Singh Permanent Resident of Chuan Rajput Tola, Chihutia, Kharach, P.S. and District-Jamui, presently residing at Mohalla- Santnagar, Hanuman Ghat, Near Water Works, Main Gate, P.O. and P.S.- Barari, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Water Resource Department, Govt. of Bihar, Patna.
2. The Director-cum- Chief Engineer, Water and Land Management Institute, WALMI, Phulwarisharif, Patna, Bihar.
3. The Divisional Commissioner cum Chairman, Kiul Barua Chandan Command Area Development Agency, Bhagalpur.
4. The Secretary, Kiul Barua Chandan Command Area Development Agency, Bhagalpur.
5. The Superintending Engineer-cum- Conducting Officer, Kiul Barua Chandan Command Area Development Agency, Bhagalpur.
6. The Superintending Engineer, CADA Anchal, Bhagalpur Combined Building, Bhagalpur.
7. The Superintending Engineer, Command Area Development (CADA) and Water Management Anchal, Sone Bhawan, Bihar.
8. The Executive Engineer, CADA Division, Lakhisarai Collectorate Campus, Lakhisarai.
9. The Executive Engineer, Lower Kiul Project Division, CADA, Lakhisarai Collectorate Campus, Lakhisarai.
10. The Sub Divisional Officer, Lakhisarai.
11. Mr. Mahendra Ram Son of not known to the petitioner, the then Executive Engineer, CADA, Lakhisarai Collectorate Campus, Lakhisarai.
12. Mr. Devanand Prasad Ghosh Son of not known, the then Executive Engineer, CADA, Lakhisarai Collectorate Campus, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

Date : 10-01-2022



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

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

“(i) For issuance of writ in the nature of Certiorari for quashing the letter No. 241 dated 30.08.2018 issued under the signature of Secretary, K.B.C., CADA, Bhagalpur, whereby and whereunder the petitioner has been dismissed from the service and further ordered to recovered Rs. 22,28,814/- from the retiral benefits of the petitioner and if any amount due after deduction of retiral benefits then further recovery be made in accordance with law.

(ii) For a direction to the respondent authorities to reinstate the petitioner in the service with all consequential benefits.

(ii) For any other relief/ reliefs if petitioner found entitle in the facts and circumstances of the present case.”

3. The petitioner without exhausting statutory remedy of appeal against the order of dismissal dated 30.08.2018 presented this petition.

4. Accordingly, the present petition stands disposed off as 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”*

5. In the light of the above facts and circumstances, the petitioner has not made out a case hence writ petition stands disposed of as premature, reserving liberty to the petitioner to prefer appeal before the Appellate Authority. If Memorandum of Appeal is filed within a period of eight weeks from the date of receipt of this order, the concerned Appellate Authority is hereby directed to take note of Section 14 of the Limitation Act for the purpose of condonation of delay in preferring appeal before the Appellate Authority.

6. With the above observation, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	14.01.2022
Transmission Date	

