

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.751 of 2021

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Mamta Prasad W/o Amardip Prasad resident of Sonpura, P.s.- Udwant Nagar,
District- Bhojpur (Ara)

... .. Petitioner/s

Versus

1. The Divisional Commissioner Patna
2. The District Magistrate, Bhojpur, Ara
3. The Secretary Schedule Caste and Schedule Tribe Welfare Department,
Govt. of Bihar, Patna
4. The Secretary Mahadalit Vikash Mission, 5th Floor Land Development
Bank, Govt. of Bihar, Patna
5. The Mission Director, Bihar Mahadalit Vikash Mission, 5th Floor Land
Development Bank, Govt. of Bihar, Patna
6. The Sub. Divisional Officer, Sadar Ara, Bhojpur
7. The Block Development Officer, Sadar Ara, Bhojpur
8. The District Welfare Officer, Bhojpur, Ara
9. The Program Officer Establishment, Bhojpur
10. The District Education Officer, Bhojpur at Ara
11. The Deputy Director Welfare Patna Division, Patna
12. Smt. Babli Kumari W/o Vijay Kumar resident of Sonpura, P.s.- Udwant
Nagar, District- Bhojpur (Ara)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Respondent/s : Ms. Kumari Amrita, GP-3

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

Date : 17-01-2022

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

2. State counsel accept notice for respondent no. 1 to
11. Service of notice to Respondent No. 12- Smt. Babli Kumari
is dispensed since no adverse order is passed against her.



3. In the instant petition, petitioner has sought for following reliefs:

“1. That the present writ petition is being filed for issuance of appropriate writ/writs, order/orders, direction/directions to the Respondents for setting-aside the letter of termination of the petitioner dated 28.07.2018 vide letter no.-1970 passed by the Respondent No. 8 and after setting aside the above order/Letter reinstate the services of the petitioner with consequential benefit in such circumstances Your Lordships may pass appropriate order under law.”

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

5. 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 is 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.”

6. 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. If such appeal is filed, the appellate authority is hereby directed to provide opportunity of hearing to petitioner and Respondent No. 12- Smt. Babli Kumari and decide the petitioner’s appeal within a period of four months from the date of receipt of aforesaid appeal. The appellate authority is hereby directed to take note of Section 14 of the Limitation Act for the purpose of condonation of delay, if any.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

