

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10382 of 2020

Manorama Devi Wife of Shankar Mistri, Resident of Village - Dira, Police Station- Halsi, District - Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Director Integrated Child Development Services, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Munger Division, Munger.
4. The District Magistrate, Lakhisarai.
5. The Sub Divisional Officer, Lakhisarai.
6. The District Programme Officer (I.C.D.S.), Lakhisarai.
7. The Child Development Project Officer, Halsi, District - Lakhisarai.
8. The Lady Supervisor, Child Development Project Officer, Halsi, District - Lakhisarai.
9. Anjali Kumari Wife of Aniruddh Paswan, Resident of Village - Dira, Police Station- Halsi, District Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Sunil Kumar Mandal (SC 3)

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

Date : 11-01-2022

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

“I. To issue an appropriate order/s, direction/s, including a writ in the nature of CERTIORARI for quashing the order as contained in Memo No. 756 dated 01.06.2020 passed by the District Programme Officer, Lakhisarai (Hereinafter referred



to Respondent No. 06) whereby and whereunder he has terminated the petitioner from the post of Anganbari Sewika who was validly appointed as per the guidelines 2019 for Anganbari Centre No. 124 situated in Ward No. 13 under in Village – Dira under Gram Panchayat Mohiuddinnagar, P.S. - Halsi, within the District of Lakhisarai.

II. To direction the Respondent No. 7 i.e. the Child Development Project Officer, Halsi, District Lakhisarai to reinstate the petitioner hence for the who was validly appointed for the post in question.

III. To any other relief/s to which the petitioner may be found entitled in the facts and circumstances of the case.”

4. Petitioner without exhausting statutory remedy of appeal before the Appellate Authority presented this petition. Thus, the present petition is premature.

5. Accordingly, writ petition stands disposed off, reserving liberty to the petitioner to prefer an appeal before the Appellate Authority within a period of eight weeks from the date of receipt of this order. The petition is disposed off 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”*

6. On receipt of petitioner’s appeal the Appellate Authority is hereby directed to decide the petitioner’s appeal within a period of four months from the date of receipt of such appeal.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	14.01.2022
Transmission Date	

Underline Emphasized

