

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.335 of 2021

=====

Lalita Bharti Wife of Subbed Shah, resident of Village - Pirnagra, Ward No. 8,
Police Station- Baldur, District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The District Magistrate, Khagaria.
3. The District Programme Officer, Khagaria.
4. The Child Development Project Officer, Beldaur, District - Khagaria.
5. Madhu Kumari, Wife of Late Amit Kumar, resident of Village - Pirnagra, Police Beldaur, District - Khagaria.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr. Lala S.N. Rais

=====

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

Date : 13-01-2022

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

None appears for the petitioner.

Service of notice to 5th respondent is dispensed since no order is passed in the present petition.

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

“1. That the present writ application is being filed for the issuance of an appropriate writ/writs, order/orders, direction/directions commanding upon the respondents authorities for the following relief:-

(i) For issuance of writ in the nature of certiorari for quashing the order dated 07.07.2020 passed by Respondent No. 4, whereby and where under Respondent No.



4 has been pleased to set aside the appropriate selection of the petitioner as Anganbari Sevika on the ground of fake certificate of the Jharkhand State Open School, Ranchi which is not valid recognize according to Human Resources Development Authority vide Memo No. F.No. 10.09.2017 Sch-3 dated 05.12.2018.

(ii) For quashing the order dated 07.07.2020 passed by Respondent No. 4 in which the selection of Respondent No. 5 was confirmed and rejoining of the petitioner at the said post.

(iii) For issuance of any other relief/reliefs, order/orders, direction/directions which may deemed fit by the Hon'ble Court in the eye of law and the facts and circumstances of the case.”

3. Petitioner has statutory remedy of appeal before the appellate authority against the order dated 07.07.2020 passed by the 4th respondent. Therefore, the present petition is pre-mature in the light of Apex Court's decision rendered in the case 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.”

4. Petitioner is at liberty to prefer an appeal before the appellate authority within a period of eight weeks from the date of receipt of this order. On receipt of petitioner's memorandum of appeal, the appellate authority is hereby directed to decide the same within a period of three months from the date of receipt of petitioner's memorandum of appeal after giving due opportunity of hearing to the petitioner and 5th respondent-Madhu Kumari.

5. With the aforesaid observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

