

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.412 of 2021

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Parvej Khan, Son of Mainuddin Khan, Resident of Village-Tajpur Kurra, P.S.
Dildarnagar, District Ghazipur (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Bihar, Patna.
2. The Director General of Police, Government of Bihar, Bihar, Patna.
3. The Inspector General of Police, Patna Zone, Patna.
4. The Deputy Inspector General of Police, Shahabad Range, Dehari-on-Sone, Rohtas.
5. The Superintendent of Police, Kaimur at Bhabhua.
6. The Police Inspector, Mohania, District-Kaimur.
7. The Station Head Officer, Durgawati Police Station, District-Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8

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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.

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

“(A) For issuance of an appropriate writ in the nature of certiorari to quash the order dated 23.03.2018 passed by respondent no. 5 the Superintendent of Police, Kaimur (Annexure-4) whereby petitioner was terminated (contract was cancelled) from the post of contract driver constable posted in Durgawati Police Station, District-Kaimur.

(B) For issuance of an appropriate



writ in the nature of mandamus to directing and commanding the respondents to restore service of the petitioner.

(C) For issuance of any other writ/writs/order/orders to which the petitioner may be found entitled to.”

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

4. 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.”



5. 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 six months from the date of receipt of petitioner’s appeal and take note of Section 14 of the Limitation Act for the purpose of condonation of delay in presentation of petitioner’s appeal.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

