

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.671 of 2021

Punam Devi, W/o Shashi Bhushan Ram, R/o Village Harpur, P.O. and P.S. Dariyapur, District Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary Social Welfare Department, New Secretariat, Patna.
2. The Additional Chief Secretary Social Welfare Department, New Secretariat, Patna.
3. The Director Social Welfare Department, New Secretariat, Patna.
4. The District Magistrate, Saran.
5. The District Programme Officer, Saran.
6. The Child Officer Development Officer, Dariyapur, Saran.
7. The Supervisor Gram Panchayat Raj Harpur, Dariyapur, Saran.
8. Rubi Devi, W/o Uday Ram, R/o Village-Harpur, P.O. and P.S. Dariyapur, District Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s	:	Mr. Asit Kumar, AC to GP-2
For respondent no. 8	:	Mr. Rajesh Kumar, Advocate

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

Date : 21-03-2022

Heard learned counsel for respective parties.

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

“(i) To quash the memo no. 716 dated 30.04.0220 issued by the District Programme Officer, Saran whereby and where under the appeal of the petitioner has been rejected with direction to the Child Development Officer for verification of documents of selected candidates (Respondent no. 8). A copy of memo dated 30.04.0220 is annexed herewith and marked as Annexure-1 to this application.

(ii) To further direct respondent authority verified the voter list of the fam-



ily of selected candidate (Respondent no. 9), verify and take appropriate action.

(iii) To quash the selection of Respondent no. 9 and direct the respondent authority as per guideline issued by the State Government, on the basis of merit list, issue selection letter in favour of the petitioner.

And/or any other appropriate relief(s) to the petitioners for which they may be found entitle under the facts and circumstances of the case.”

Learned counsel for the eighth respondent-Rubi Devi submitted that the present petition is not maintainable since petitioner has statutory remedy of appeal before the appellate authority.

That apart, Hon’ble Apex Court in the case of **State of Jammu and Kashmir Vs. R.K. Zalpuri and others** reported in **AIR 2016 Supreme Court 3006** 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.”

In the light of these facts and circumstances, the present petition is premature. Accordingly, the present petition stands disposed off reserving liberty to the petitioner to approach appellate authority in filing an appeal.

The appellate authority is hereby directed to take note of Section 14 of the Limitation Act, 1963 for the purpose of condonation of delay in presenting memorandum of appeal so also that period of COVID Pandemic. If such appeal is filed the same shall be considered within a period of four months from the date of receipt of appeal, after giving due opportunity of hearing to the petitioner and eighth respondent-Rubi Devi.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

