

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.778 of 2021

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Anamika Kumari W/o-Sudish Kumar Resident of Village-bairiya, P.S.-
Kesariya Dist-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Integrated Child Development Service, Govt. of Bihar, Patna.
4. The District Programme Officer, East Champaran, Motihari
5. The Child Development Project Officer, Kesariya, East Champaran, Motihari.
6. The Lady Supervisor. Bihar
7. Gudia Kumari W/o-Om Prakash Yadav Resident of Village-Bariya, P.S.-Keshariya, Dist.-East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate
For the Respondent/s : Mr. Md. Raisul Haque, SC-10

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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 nos. 1 to 6. Service of notice to Respondent No. 7- Gudia Kumari is dispensed since no adverse order is passed against her.

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

“i. To issue an appropriate writ/writs, order/orders, Direction/Directions to set aside the order dated 28.06.2020 passed by the Respondent No. 4 in case no. 1/2019 by



which he pleased to terminate the petitioner from the post of Anganbari Sevika of center no. 208 and he further pleased to appoint Res. No. 7 on her place.

ii. To issue an appropriate writ/ writs, order/orders, direction/ directions commanding & directing to respondent no. 1-6 to not implement the order dated 28.06.2020 passed in Case no. 1/2019 by the Res. No. 4.

iii. Any other order/orders.”

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. 7- Gudia 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	

