

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.744 of 2021

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Usha Devi wife of Virbahadur Pandit resident of Village and P.O. Nandpur,
Police Station and Block- Manjhi, District- Saran (Chapra).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, I.C.D.S., Social Welfare Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Saran Division, Chapra.
4. The Collector cum District Magistrate, Saran at Chapra.
5. The District Programme Officer, Saran at Chapra.
6. The Child Development Project Officer, Manjhi, District- Saran.
7. The Ward Member, Ward No. 13, Gram Panchayat Raj Sonbarsha, Block- Manjhi, District- Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary
For the Respondent/s : Mr. Prashant Pratap, GP 2

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

“That, this is an application for issuance of appropriate writ (s) / direction (s) for selection of the petitioner on the post of Anganbari Sevika in ward no. 13, village Nandpur under Gram Panchayat Raj Sonbarsha, Block – Manjhi, District Saran after conducting a meeting of Aam Sabha in the presence of police administration as for selection of Anganbari Sevika in ward no. 13, village Nandpur under Gram Panchayat Raj Sonbarsha, Block- Manjhi, District- Saran Aam Sabha had already held on 17.08.2019, but due to



hindrance of some anti-social elements, the same could not be held and the petitioner has been debarred for selection on the post of Anganbari Sevika in ward no. 13, village Nandpur under Gram Panchayat Raj Sonbarsha, Block-Manjhi, District – Saran, who is only suitable candidate for the said post.”

3. The petitioner without exhausting statutory remedy of appeal preferred the present petition, thus, it is premature in the light of Apex Court decision in the case of ***State of Jammu and Kashmir V/s. R.K.Zalpur and others*** reported in **AIR 2016 SC 3006 paragraph-20** in which it is 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”

Underline Emphasized



4. Accordingly, petition stands disposed off reserving liberty to the petitioner to prefer an appeal before the Appellate Authority within a period of six weeks from the date of receipt of this order. In event of filing of appeal the Appellate Authority is hereby directed to decide the petitioner’s appeal within a period of three months from the date of receipt of the appeal, after due hearing of such persons whose right is likely to be affected.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	25.01.2022
Transmission Date	

