

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.856 of 2021

=====

Priyanka Kumari wife of Jayalal Ray Resident of village- Parsauniya, P.O.-
Anjana Cot, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Welfare Department,
Patna
2. The Director, I.C.D.S., Patna
3. The Commissioner, Muzaffarpur
4. The District Magistrate, Muzaffarpur
5. The District Programme Officer, Muzaffarpur
6. The Child Development Project Officer, Muzaffarpur
7. Angabari Supervisor, Bariyarpur East Panchayat
8. Kimi Kumari ward no. 1, Angawari Centre No. 407, Panchayat- Bariyarpur
East, Motipur, Muzaffarpur

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Kalyan Shankar
For the Respondent/s : Mr. S.K. Mandal, SC-3

=====

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 respondents.
Service of notice to Respondent No. 8- Kimi Kumari is
dispensed since no adverse order is passed against her.

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

“1. That the petitioner by way of
this writ petition seeks the indulgence of this
Hon’ble Court for the issuance following
writ/writs, order/orders, and
direction/directions in the relief sought in the



paragraphs here in below;

(i) For quashing the appointment of respondent No. 8, Kimi Kumari who has been appointed as Angabari Sevika in the village Personia, Ward No. - 01, Anganwari/Nutrition centre no.-407, Panchayat- Bariyarpur, East, Block- Motipur, District- Muzaffarpur.

(ii) For issuance of direction to appoint the petitioner as Anganbari Sevika of village Personia, Ward No. - 01, Anganwari/Nutrition centre no. - 407, Panchayat – Bariyarpur, East, Block – Motipur, District- Muzaffarpur.

(iii) For any other relief/reliefs for which the petitioner is entitled for.”

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. 8- Kimi 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	

