

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1945 of 2021

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Smt. Soni Kumari Wife of Rambriksh Pandit, Resident of Village-Belsar
Ward No. 4, P.O. Srimatpur, P.S. -Amdanda, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Social Welfare Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The District Programme Officer (Anganbari), Bhagalpur.
5. The Child Development Project Officer, Sanhoula, Bhagalpur.
6. The Block Development Officer, Sanhoula, Bhagalpur.
7. The Selection Committee (Anganwari Sewika/Sewika/Sahayika) through its President Cum Ward Member, Ward No. 4, Amdanda Panchayat Block Sanhoula, Dist-Bhagalpur.
8. Smt. Soni Devi, Wife of Sri Gopal Pandit, Daughter of Upendra Pandit, Resident of Village-Belsar, P.S.-Amdanda Block Sanhoula Ward No. 4, P.O. Srimatpur, District-Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajive Ranjan Singh, Advocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha, GA 7
		Md. Raisul Haque, SC 10

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

Date : 25-01-2022

This matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 Pandemic.

Service of notice to eighth respondent-Soni Devi is dispensed with since no adverse order is passed against her.

In the instant petition, petitioner has prayed for the following relief(s):-

“(i) For quashing the Memo number 151, dated 26.3.2020 passed by Child



*Development Project Officer, Sanhoula,
Bhagalpur.*

*(ii) For direction to opposite the
petitioner on the post of Sevika on the effect of
26.03.2020 in Ward No. 4 Anganwari Center
No. 188, Belhar, Kumhar Tola, Ward No. 4,
Amdanda Panchayat of Sanhoula Block
Bhagalpur District.*

*(ii) For direction to the Respondents
to any other relief/reliefs which is entitled to
petitioner in accordance with law.”*

The petitioner has statutory remedy of appeal before the
appellate authority. Without exhausting the statutory remedy of
appeal writ petition cannot be entertained in the light of Hon'ble
Apex Court decision 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.”

Accordingly, the present petition stands dismissed as premature 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 for the purpose of condonation of delay in presenting memorandum of appeal. 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 eighth respondent-Soni Devi.

(P. B. Bajanthri, J)

Vikash/-

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

