

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1520 of 2021

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Sarita Devi @ Sarita Kumari W/o Shailanath Prasad resident of Village-
Gopalpur, Naraon, P.S. Garkha, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Social and Welfare Department, New Secretariat, Govt. of Bihar, Patna.
2. The District Magistrate, Saran at Chapra.
3. The Child Development Programme Officer, Garkha, Saran at Chapra.
4. District Programme Officer, Saran at Chapra.
5. Panchayat Secretary, Panchayat Raj Naraon, P.S. Garkha, Block- Garkha, District- Saran at Chapra.
6. The Mukhiya, Panchayat Raj Naraon, P.S. Garkha, Block- Garkha, District- Saran at Chapra.
7. Smt. Chandrawati Devi W/o Sri Bimlesh Kumar resident of Village- Ward No. 14, Panchayat, Naraon, P.S.- Garkha, Block- Garkha, District- Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anurag Saurav
For the Respondent/s : Mr. Lalit Kishore (Ag)

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

2 24-01-2022 The matter is heard via video conferencing due to
circumstances prevailing on account of Covid-19 pandemic.

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

(i) “ For issuance of
writ in the nature of mandamus
directing the respondent
authorities specially respondent
no. 3 to disposed the complaint



filed by the petitioner in pursuance to appointment of Aganbari Sevika at Ward no. 14 Panchayat Raj Naraon, Block Garkha Dist- Saran whereas the appointment of respondent no. 7 has been made on the basis of false certificate by the Respondent Authorities and without considering the objection raised by the petitioner in Aam Sabha.

(ii) For issuance of writ in the nature of mandamus directing the respondent authorities to conduct an enquiry and institute criminal case against the respondent no. 7 for submitted false document in the appointment process.

(iii) For issuance of any other appropriate writ(s)



order(s) and direction(s) as your Lordship may deem fit and proper in the facts and circumstances of the case.

Service of notice to respondent no. 7 is dispensed. Since no adverse order is passed in the present petition.

Having regard to the relief sought in the present petition, petitioner has statutory remedy of appeal before the appellate authority therefore, present petition is premature in the light of Apex Court decision in the case 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 if 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.

Therefore, petitioner has not made out a case. Accordingly, the instant 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, appellate authority is hereby directed to redress the grievance of the petitioner after due hearing of petitioner and respondent no. 7 namely, Smt Chandrawati Devi within a period of four months from the date of receipt of petitioner's appeal.

(P. B. Bajanthri, J)

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