

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1422 of 2021

=====

Nargis Parween @ Naragish Shahnaj Praveen W/o Kausar Neazi Resident of
Village- Parsadi, P.O.- Parsauna, P.S.- Parsa, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Additional Chief Secretary, Social Welfare Department, Bihar, Patna.
3. The Director, Social Welfare Department, Bihar, ICDS Directorate, Indira Bhawan, Patna.
4. The District Magistrate, Saran at Chapra.
5. The District Programme Officer, ICDS Saran at Chapra.
6. The Child Development Project Officer, Parsa, District Saran at Chapra.
7. The Mukhiya Gram Panchayat Raj Parsauna, Block Parsa, District- Saran at Chapra.
8. Sarbjeet Kumar Sah, the Chairman of Selection Committee Parsadi Ward No.11 Gram Panchayat Raj Parsauna, Block Parsa, District- Saran at Chapra.
9. Ramesh Rai, the Member of Selection Committee Parsadi Ward No.11 Gram Panchayat Raj Parsauna, Block Parsa, District- Saran at Chapra.
10. Kanak Lata, Lady Supervisor of Selection Committee Parsadi Ward No.11 Gram Panchayat Raj Parsauna, Block Parsa, District- Saran at Chapra.
11. Lali Shah W/o Baldeo Shah Resident of Village- Parsadi, Post- Parsauna, P.S. Parsa, District- Saran at Chapra.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma, Advocate
For the Respondent/s : Ms. Kumari Amrita, GP 3

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 24-01-2022

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:



“(I) Issuance of a direction, order or writ including writ in the nature of Mandamus commanding the concern respondent authorities to cancel selection of respondent No. 11 on the post of Anganwadi Sevika under Parsadi Ward No. 11 in Gram Panchayat Raj Parsauna, Block-Parsa, District – Saran, the selection committee who has been selected in year 2019 on the basis of forged marks sheet and Educational Certificate of Respondent No. 11 so take legal action against the selection committee.

(II) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concern respondent authorities after cancellation / selection of Respondent No. 11, the Respondent authorities may select the petitioner on the post of Anganwadi Sevika under Parsadi ward No. 11 in Gram Panchayat Raj Parsauna, Block Parsa, District- Saran.

(III) Any other relief/reliefs that the petitioner may be found to be entitled in the facts and circumstances of the present case.”

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.Zalpuri 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”

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.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	28.01.2022
Transmission Date	

Underline Emphasized

