

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1135 of 2021

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Anshu Kunwar @ Anshu Kumari Wife of Late Umashankar Yadav, resident of Village - Baknaura, Post Office - Baknaura, Police Station- Rohtas, District - Rohtas (Bihar). Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Social Welfair, Bihar, Patna.
4. The District Magistrate, Rohtas at Sasaram.
5. The District Programa Officer, Rohtas at Sasaram.
6. The Child Development Officer, Rohtas at Sasaram.
7. The Secretary, Bihar School Examination Board, Patna.
8. Ranju Devi, Wife of Sri Akhilesh Yadav, Resident of Village - Baknaura, Post Office- Baknaura, Police Station- Rohas, District - Rohtas (Bihar). Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Respondent/s : Mr. Sunil Kumar Mandal, SC 3

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

Date : 17-01-2022

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

Mr. Sunil Kumar Mandal, learned SC 3 accepts notice for respondent nos. 1 to 7.

Learned counsel for the petitioner is hereby directed to furnish a copy of the petition to Mr. Sunil Kumar Mandal, learned SC 3 within a week from today.

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



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

“For issuance of writ/writs or direction/direction or order/orders in the nature of mandamus directing the respondents to select the petitioner on the post of Anganbari Sevika in Gram Panchayat-Baknaura, Ward No. 07, P.S.-Rohtas, District-Rohtas, as she got 1st rank in the selection list and also for a direction to cancel the appointment of private respondent No. 08, because she has govt appointment as such on the false and forge educational documents of Renu Devi @ Renu Kumari daughter of Rameshwar Singh & Kamla Devi.”

The petitioner has statutory remedy of appeal thus the present petition is premature in the light of the 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 is premature. Therefore, the petitioner is at liberty to approach the appellate authority within a period of eight weeks from the date of receipt of this order. The appellate authority is hereby directed to decide the petitioner’s appeal within a period of four months from the date of receipt of this order after giving due opportunity of hearing to the petitioner and eighth respondent-Ranju Devi.

With the aforesaid observations, the writ petition stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

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

