

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1811 of 2021

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Manjusha Devi Wife of Nandlal Gupta Resident of Village- Vabubank, Near
S.B.I. Bank, P.O. and P.S.- Jhajha, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Social Welfare Department.
2. The Divisional Commissioner, Munger.
3. The Director, integrated Child Development Services, Govt. of Bihar, Patna.
4. The District Magistrate, Jamui.
5. The District Programme Officer, Jamui.
6. The Child Development Project Officer, Jhajha, District- Jamui.
7. The Lady Supervisor, Child Development Project Officer, Jhajha, District- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mukul Jee
For the Respondent/s : Mr. Prashant Pratap, GP-2

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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
following reliefs:-

“1. That the petitioner has filled
the instant writ petition invoking the extra
ordinary writ jurisdiction of this Hon’ble
court inter-alia for the following relief(s):-

(i) To issue an appropriate
order(s), direction(s) including a writ



in the nature of CERTIORARI for quashing an advertisement vide memo no. 464 dated 13.06.2020 issued by the Child Development Project Officer, Jhajha, District-Jamui (Here in after referred to Respondent no. 6) whereby and whereunder the petitioner has been already appointed on the post of Aganwari Sevika who was validly appointed as per the guidelines for Aganwari Centre no. 213 situated Behind the State Bank, Jhajha, District- Jamui.

(ii) Direction be issued to the Respondents to allow the petitioner to continue her service to the post of Aganwari Sevika of center no. 213 for the post in question.

(iii) And or for grant of any other relief(s) for which the petitioner may be found entitled in the facts and circumstances of the case.”

3. The petitioner without exhausting statutory remedy of appeal presented this petition.

4. Therefore, the present petition is pre-mature 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 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.”

5. 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 decide the petitioner’s appeal within a period of three months from the date of receipt of aforesaid appeal.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

