

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1210 of 2021

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Geeta Kumari Wife of Nageshwar Das Resident of Village- Kajichak, P.S.-
Rahui, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Nalanda.
2. The Collector, Nalanda.
3. The Deputy Development Commissioner, Nalanda.
4. The District Programme Officer, Nalanda.
5. The C.D.P.O., Rahui, Nalanda.
6. Asha Kumari Wife of Manoj Kumar Resident of Village- Kajichak, P.S.-
Rahui, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

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

2 17-01-2022 The matter is heard via video conferencing due to

circumstances prevailing on account of the COVID-19

pandemic.

In the instant application the petitioner has prayed for
following reliefs :-

i. For quashing the memo no. 225 dated 15.12.2018

issued by the respondent District Programme Officer
(Respondent NO.4) whereby the candidature of the petitioner
the name of the petitioner and her qualification has not been
considered for the post of Sevika for the Anganwari Kendra



situated at Ward No. 10, panchayat Hawnpura, Village-Janakpur despite the fact that she holds a better qualification.

ii. For quashing the abovementioned memo which has been passed in violation of the principal of natural justice as the petitioner has not been heard before passing the order.

Iii. For quashing the minutes of meeting dated 29.10.2018 of the Gram Sabha whereby the candidature of the petitioner was not considered.

iv. For any other relief which the petitioner is entitled to in the facts and circumstances of the case.

Service of notice to respondent no. 6 Asha Kumari is dispensed with since no adverse order is passed against her. The State counsel accept notice for respondent nos.1 to 5.

The petitioner without exhausting statutory remedy of appeal has approached to this Court. In the light of The Apex Court decision in the *State of Jammu and Kashmir V/s. R.K.Zalpuri and others* reported in *AIR 2016 SC 3006 paragraph-20*, the present petition is premature and is accordingly dismissed, reserving liberty to the petitioner to prefer an appeal before 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 three months from the date
of petitioner's appeal after giving due opportunity of hearing to
the petitioner and respondent no. 6 Asha Kumari.

(P. B. Bajanthri, J)

Ravi/mdrashid

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