

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1302 of 2021

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Pramila Devi Wife of Rajesh Mahto Resident of Village- Gamhariya, Post
Office- Belsandi, Police Station- Gaunaha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The Under Secretary, Lokayukta Office, Bihar, Patna.
3. The Director, I.C.D.S. Directorate, Social Welfare Department, Bihar, Patna.
4. The Special Officer, I.C.D.S. Directorate, Social Welfare Department, Bihar, Patna.
5. The Divisional Commissioner, Tirhut Division, Muzaffarpur, Bihar.
6. The Deputy Director (Welfare) Social Welfare Department, Tirhut Division, Muzaffarpur, Bihar.
7. The District Magistrate, West Champaran, Bettiah.
8. The Additional Collector (Departmental Inquiry) West Champaran, Bettiah.
9. The D.P.O., I.C.D.S., West Champaran, Bettiah.
10. The Block Development Officer, Gaunaha Block West Champaran.
11. The Child Development Project Officer, I.C.D.S., Gaunaha Block, West Champaran.
12. The Lady Supervisor, I.C.D.S., Gaunaha Block, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, 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
the following reliefs:-

(I) For issuance of a writ in the nature of certiorari or



any other appropriate writ, order/orders direction for quashing the order dated 25.03.2020 passed by learned D.P.O., I.C.D.S., West Champaran, Bettiah, vide Memo No. 56/I.C.D.S. dated 25.03.2020 whereby and whereunder the services of the petitioner has been terminated without asking show cause/explanation as well as without giving opportunity of hearing.

(ii) For issuance of a writ in the nature of mandamus or any other appropriate writ, order/orders directing the Respondents to reinstate the petitioner on her post and pay all consequential benefits as per law.

(iii) For grant of any other reliefs for which the petitioner is found entitled too.

The present petition is pre-mature since the petitioner has not exhausted statutory remedy of appeal. In the light of the decision of the Apex Court in the case of *State of Jammu and Kashmir V/s. R.K.Zalpuri and others* reported in *AIR 2016 SC 3006 paragraph-20*, the present petition is pre-mature and accordingly 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.

The Appellate Authority is hereby directed to examine



the delay issue in the light of Section 14 of the Limitation Act and decide the petitioner's appeal after giving due ample opportunity of hearing to the petitioner and if any private persons' right is effected, in that event, the private persons shall be heard in the matter.

The above exercise shall be completed within a period of four months.

(P. B. Bajanthri, J)

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