

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2564 of 2021

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Suryadev Kumar S/o Late Chandeshwar Ram Resident of Ward No- 10,
Village- Ismail Chak (Ismailpur), Post and P.S.- Bidupur, District- Vaishali-
844502

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Home Department, Patna- 800001.
2. The District Magistrate, Vaishali at Hajipur- 844101.
3. The Superintendent of Police, Vaishali at Hajipur- 844101.
4. The Sub Divisional Officer, Hajipur, District- Vaishali- 844101.
5. The Circle Officer, Bidupur, District Vaishali at Hajipur.
6. The Block Education Officer, Hajipur East, District- Vaishali at Hajipur.
7. Smt. Nagina Shukla, The then Headmaster, Govt. Middle School Titidha Kansara, District- Vaishali.
8. Smt. Kumari Sarjana, The Headmaster, Govt. Middle School, Titidha Kansara, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nitesh Kumar
	:	Mr. Lakshmi Kant Tiwari
For the Respondent/s	:	Mr. Madanjeet Kumar, GP 20

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

Date : 28-01-2022

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) Writ of certiorari to set aside or quash the
order Dt. 18.08.2020 (Annex – 5) pass by the District
Magistrate vaishali (respondent 2) without considering on the
merit of the case and without providing proper opportunity to
the petitioner.



(ii) Writ of Mandamus to direct the respondent authorities to not make any coercive major against the petitioner and to reinstate the petitioner in his service with all emoluments of his back wages.

(iii) For direction/ directions to respondents to grant any other relief / reliefs to which the petitioner may be found entitled to.”

3. Petitioner without exhausting statutory remedy of appeal before the Appellate Authority has rushed to this Court. Accordingly, the present petition stands disposed off 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** which has 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;

Underline Emphasized



(f) Grant of relief is against public policy or barred by any valid law; and host of other factors”

4. 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 an appeal is supported by application for condonation of delay, the Appellate Authority is hereby directed to decide petitioner’s application for condonation of delay as well as on merit within a period of three months from the date of receipt of such appeal. The Appellate Authority is also hereby directed to take note of Section 14 of the Limitation Act for the purpose of condonation of delay.

5. With the above observations, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

