

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20011 of 2021

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Anil Kumar Bharti @ Anil Kumar Son of Jainarayan Baitha Resident of
Village- Mdhu Chhapra, Police Station- Piprakothi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, the State of Bihar.
2. The District Magistrate, East Champaran Motihari.
3. The Deputy Development Commissioner, East Champaran, Motihari.
4. The Sub-Divisional Officer, East Champaran, Motihari.
5. The Block Development Officer, Muffasil Sadar Motihari, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar
For the Respondent/s : Mr.Harish Kumar (Gp8)

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

Date : 03-02-2022

The matter is heard via video conferencing due to
circumstances prevailing on account of the COVID-19
pandemic.

2. State counsel accept notice for respondents.

Petitioner's counsel to serve copy of the petition to the State
Counsel.

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

“I. To issue rule in the nature of
certiorary to quash the order of termination
issued vide memo no 1476 dated 8.07.2021



passed By Deputy Development Commissioner East Champaran Motihari, by which, the service of the petitioner has been terminated.

II. To issue in the nature of Mandamus to reinstate the petitioner service, after setting aside the order of termination, along with all consequential benefit.

III. To grant any other relief or reliefs to which the petitioner is legally entitled.”

4. Petitioner has approached this Court without exhausting statutory remedy of appeal before the appellate authority. Thus, the present petition is pre-mature in the light of Apex Court's decision rendered in the case 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 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.”

5. Accordingly, the instant 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. In the event 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 petitioner’s appeal.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

