

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20003 of 2021

Subhash Kumar, son of Ramsurya Thakur @ Ram Surat Thakur, Resident of Villaaage-Sankar Saraiya, Tola-Bankat, Police Station-Turkauaulia, District-East Champaran (Motihari).

... .. 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

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar
For the Respondent/s : Mr. Rewati Raman Kant

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:-

“1. 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, 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	

