

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23673 of 2019

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Arun Safi, Son of Jhameli Safi, Resident of Village-Bihta, P.S.-Manigachi,
District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Co-operative, Govt. of Bihar, Patna.
4. The Registrar, Co-operative Societies, Govt. of Bihar, Patna.
5. The Under Secretary, Rural Development Department, Govt. of Bihar, Patna.
6. The Joint Registrar, Co-operative Societies, Darbhanga, District-Darbhanga, Bihar.
7. The District Magistrate, Madhubani.
8. The Deputy Development Commissioner, Madhubani.
9. The Block Development Officer Khutauna, District-Madhubani.
10. The Assistant Registrar, Co-operative Societies, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ramchandra Jha Raman
For the Respondent/s : Mr. Balram Kapri, AC to SC-26

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

Date : 23-02-2022

Heard the learned counsels for the parties.

In the instant petition, petitioner has sought for
following reliefs:

“That, this writ application is being filed
for issuance of an appropriate writ/writs, order/orders
in the nature of certiorari for quashing of the letter
issued under the signature of Respondent No. 4 vide
memo no. 9899, dated 15/10/19, by which the
respondent No. 4 has terminated the service of the
petitioner from the post of Co-operative Extension
Officer and the then Block Development Officer,



Khutauna, at present posted as Deputy Town Commissioner, Ara having no jurisdiction and as much as without following the rules as enumerated under CCA, Rules 2005 and further for a direction upon the respondents to reinstate the service of the petitioner on the post with all legal, financial and consequential benefits and further for any other appropriate relief/reliefs for which the petitioner is entitled in the facts and circumstances of the case.”

Undisputedly, petitioner has statutory remedy of appeal before the appellate authority.

Therefore, the present petition is pre-mature to entertain.

Apex Court in the case of State 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.”

Accordingly, the present petition stands disposed of reserving liberty to the petitioner to prefer appeal before the appellate authority. If such appeal is filed within a period of eight weeks from the date of receipt of this order, the same shall be decided by the appellate authority within a period of four months from the date of receipt of petitioner’s appeal.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	02.03.2022
Transmission Date	

