

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16194 of 2024

Nilam Kumari @ Nilam Devi W/O Bimal Kumar Resident of village -
Bishanpur, Ward No.09, P.O. - Parmanpur, Under Gram Panchayat Raj -
Bhatarandha - Parmanandpur, P.S. - Dhailadh, Distt.- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Madhepura.
2. The Commissioner, Koshi Division, Saharsa, Distt. - Saharsa.
3. The District Magistrate, Madhepura, Distt. - Madhepura
4. The District Program Officer, Madhepura, Distt. - Madhepura
5. The Child Development Project Officer, P.S. - Dhailadh, Distt. - Madhepura
6. Smt. Rajkumari Devi W/O Not known the Mahila Supervisor cum Secretary
Selection Committee, Child Development Project, Dhailadh, P.S.- Dhailadh,
Distt. - Madhepura.
7. Anupama Kumari W/O Jaikrishna Kumar Resident of village - Bishanpur,
P.S. Dhailadh, Distt. Madhepura

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Advocate
For the Respondent/s : Ms. Roona, AC to GP-7

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 23-10-2024

Heard learned counsel for the parties.

2. This writ petition has been listed under the heading
'For Order (On Office Notes)', whereby it has been pointed out
by the Registry that this writ petition is barred by principle of
Res Judicata.

3. The petitioner has filed this writ petition with the
following prayers:-

"i. For issuance of a writ in the nature of



certiorari for quashing the order dt. 11.8.2023 passed by the District Magistrate, Madhepura (Respondent No.3) in Miscellaneous Anganwadi Appeal Case No.02/23, preferred by the petitioner, by which Respondent No.3 has rejected the said Miscellaneous Anganwadi Appeal Case No.02/23 merely on the ground of limitation.

ii. For issuance of a writ in the nature of certiorari for quashing the Selection Letter dt.27.6.2018 by which Respondent No.7 has been selected as Anganwadi SDevika for Ward No.09, Center No.107, under Gram Panchayat Raj Bhatarandha, P.S. Dhailadh, Distt. - Madhepura.

iii. For direction to the respondents authority to consider the case of the petitioner for selection as Anganwadi Sevika for Center No.107, Ward No.09, village Bishanpur, under Gram Panchayat Raj Bhatarandha, P.S. Dhailadh, Distt. Madhepura, in place of Respondent No.7.”

4. The petitioner had earlier approached this Court by filing C.W.J.C. No. 17960 of 2023 with the same prayers as have been made in the instant writ petition and this Court, on the request of learned counsel for the petitioner, vide order dated 05.02.2024 dismissed the said writ petition as not pressed with liberty granted to the petitioner to avail such other alternative remedies as may be available under the law including filing of a suit before the Civil Court of competent jurisdiction for



redressal of the grievances raised in that writ petition.

5. It is the case of the petitioner that pursuant to order dated 05.02.2024, passed in C.W.J.C. No. 17960 of 2023, the petitioner had preferred Title Suit No. 153 of 2024 before the Sub Judge-I, Madhepura for redressal of the petitioner's grievances as was highlighted in C.W.J.C. No. 17960 of 2023. The aforesaid title suit, filed by the petitioner, was dismissed by the learned Sub Judge-I, Madhepura vide order dated 31.05.2024 by holding that the said court does not have the jurisdiction to try the suit.

6. In view of the above, I am of the view that if the petitioner is aggrieved by the dismissal of the title suit filed by the petitioner by the learned Sub Judge-I, Madhepura, the petitioner should have filed an appeal against the aforesaid order dated 31.05.2024, passed in Title Suit No. 153 of 2024 whereby the title suit filed by the petitioner has been dismissed.

7. The petitioner herein having approached this Court earlier by filing C.W.J.C. No. 17960 of 2023 making the same prayers as have been made in the instant writ petition and the earlier writ petition having been adjudicated by this Court vide order dated 05.02.2024, I am of the further view that the present writ petition is barred by principle of *res judicata* as the issue



raised by the petitioner in the instant writ petition has already been adjudicated by this Court in the earlier writ petition filed by the petitioner i.e., C.W.J.C. No. 17960 of 2023.

8. Accordingly, the present writ petition is hereby disposed of with liberty to the petitioner to challenge the order dated 31.05.2024, passed in Title Suit No. 153 of 2024 by learned Sub Judge-I, Madhepura before the competent court, if so advised.

(Nani Tagia, J)

Amrendra/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23/10/2024
Transmission Date	N/A

