

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO. 1515 OF 2015**

VAISHALI PRAKASH CHAVAN

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Awasarmol Rahul O.

AGP for Respondent/State : Mr. S.Y. Mahajan

Advocate for Respondent no.4 : Mr. Dasalkar Rajendra V.

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CORAM : S.S. SHINDE & A.M. BADAR, JJ.**Dated: October 13, 2015**

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PER COURT :-

This Petition is filed with the following prayer :-

"B) Directions may kindly be given to the respondents to declare the list of eligible candidates in view of the open proclamation dated 21.2.2014 issued by the respondent no.4 and after declaring the list of eligible candidates, the appointment order may kindly be given to the eligible candidate as early as possible."

2. The learned counsel appearing for the petitioner submits that, Respondent Nos. 3 and 4 could not have invoke clause 3(a) of the Government Resolution dated 15th September, 2011 issued by the Woman and Child

Development Department, Matnralaya, Mumbai in view of the fact that, two applications of the eligible candidates were received for the post of Mini Anganwadi. Therefore, he submits that, this Petition deserves consideration.

3. On the other hand, the learned counsel appearing for Respondent Nos. 3 and 4, relying upon the averments made in the affidavit in reply, and in particular, para 6 thereof submits that, only one application of the present petitioner was received, and therefore, in view of clause 3(a) of the aforementioned Government Resolution, Respondent Nos. 3 and 4 did not proceed further. However, on instructions, he submits that, the said post will be re-advertised within two weeks from today.

4. We have heard the learned counsel appearing for the petitioner, the learned A.G.P. appearing for the Respondent/State and the learned counsel appearing for Respondent Nos. 3 and 4. With their able assistance, we have perused the pleadings and grounds taken in the Petition and annexures thereto, affidavit in reply filed by Respondent Nos. 3 and 4, and the Government Resolution

dated 15th September, 2011 issued by the Woman and Child Development Department, Matnralaya, Mumbai.

5. Though it is asserted by the learned counsel appearing for the petitioner that, the applications of two candidates were received, however, in view of the averments made in para 6 of the affidavit in reply filed by Respondent Nos. 3 and 4, it appears that, only application of the petitioner was received. While exercising the writ jurisdiction, it is not desirable to adjudicate disputed questions of fact, therefore, we refrain ourself from entering into the same. Suffice it to say that, clause 3(a) of the aforementioned Government Resolution enables Respondent Nos. 3 and 4 to stop the process in case only one application is received and then go for issuance of re-advertisement.

6. In view of the statement made by the learned counsel appearing for Respondent Nos. 3 and 4 that, the post for which the petitioner has applied will be re-advertised, in our opinion, any other relief can not be granted in this Petition. However, as undertaken by Respondent Nos. 3 and 4 through the learned counsel,

respondent Nos. 3 and 4 shall re-advertise the post within two weeks from today.

7. With the above observations, the Petition stands disposed of.

(**A.M. BADAR, J.**)

(**S.S. SHINDE, J.**)

SGA/-

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