

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2955 OF 2003

JANKABAI GANGARAM KALE
VERSUS
STATE OF MAHARASHTRA & OTHERS.

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Advocate for Petitioner : Mr. G N Chincholkar
AGP for Respondents 1 : Mr. S.R.Palnitkar
Advocate for Respondents 3 : Mr. V.S.Panpatte
Advocate for Respondent 5 : Mr. G.G.Suryawanshi

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CORAM : A.V. NIRGUDE & V.K. JADHAV, JJ.

Dated: January 22, 2015

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PER COURT :-

1. This petition challenges selection of respondent No. 5 as 'Anganwadi Sevika' and rejection of petitioner's claim for such post. It is the case of the petitioner that, she is more qualified for the said post than respondent No. 5. She states that, she had completed training course (3rd) District Level from Zilla Parishad, Nanded. She also asserted that, at the time of interview she answered all the questions correctly. She then states that, Government Resolution dated 26.10.1994 laid down procedure for selecting 'Anganwadi Sevika'. The Government Resolution mentions that, the Selection Committee should maintain a chart mentioning therein marks scored by the candidates. It is her assertion that, selection was not made as per the guidelines issued in the G.R. She also alleged that respondent No. 5,

who was selected, is only 4th standard passed as compared to her education up to 10th standard.

2. The Child Development Project Officer has filed an affidavit-in-reply and asserted that respondent No. 5 was lawfully appointed. He also stated that, the Committee, before selecting her, had verified that her education was of 10th standard and that she has scored more marks in interview.

3. We find that, the dispute between petitioner and the selection committee is about subjective satisfaction of the Selection Committee. The Committee's approval of a candidate, as against the other, cannot be a subject matter of a writ petition unless a gross violation of procedural rules or mala-fides or fraud is shown to the Court.

4. The learned counsel for the petitioner asserted that in order to show transparency of selection process, the respondent ought to have submitted chart of marks scored by various candidates. We found such chart produced on record by the respondents. We also noticed that, petitioner had scored 390 marks whereas respondent No. 5 scored 399 marks.

5. The learned counsel for the petitioner also asserted that the petitioner's experience and qualification was more than the candidate who was selected. We are unable to appreciate this contention mainly because the selection is made not only on the basis of educational qualification and experience but also depends upon a candidates suitability which is found at the time of interview.

6. The petition does not succeed and accordingly, the same is disposed of.

(V.K. JADHAV, J.)

(A.V. NIRGUDE, J.)

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