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

WRIT PETITION NO.4764 OF 2015

LALITA BHANUDAS KIRTISHAHI.
VERSUS
STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Gunale Prakash G.
AGP for Respondent Nos.1 and 2: Shri K.N.Lokhande.
Advocate for Respondent No.4 : Shri A.B.Gaikwad.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 28th October, 2015

Oral Order:

1 The Petitioner is aggrieved by the order dated 28.02.2014 passed by Respondent No.3/ Chief Executive Officer, Zilla Parishad, Aurangabad thereby, setting aside the appointment of the Petitioner as an “Anganwadi Madatnis”.

2 The Petitioner further assails the order of Respondent No.2/ Divisional Commissioner dated 07.01.2015 by which the appeal preferred by the Petitioner has been rejected.

3 I have heard Shri Gunale, learned Advocate for the Petitioner, the learned AGP for Respondent Nos.1 and 2 and Shri Gaikwad, learned

Advocate for Respondent No.4.

4 It is not in dispute that an advertisement was published on 12.04.2013 calling for applications for appointment to the positions of Anganwadi Karyakarti, Mini Anganwadi Karyakarti, Anganwadi and Mini Anganwadi Madatnis. It is also not in dispute that each applicant was mandated to submit the marks memo of SSC (10th standard) or 07th standard, as is applicable, along with the application. It is also not in dispute that the Petitioner, who claims to have cleared the 07th standard, did not annex a copy of her marks memo along with the application to indicate that she had cleared 07th standard examination. Despite this, going by the merit list, the Petitioner was appointed as Anganwadi Madatnis on 16.12.2013.

5 Respondent No.5 challenged the appointment of the Petitioner on the ground that besides filing the application for the post of Anganwadi Madatnis, the marks memo which was mandatorily required to be annexed along with the application, was not before the Authorities. Despite the same, she was allotted the marks as per the prescribed marking pattern on account of her claim that she had acquired the educational qualification of 07th standard. Considering the complaint, Respondent No.3 set aside the appointment of the Petitioner.

6 The Petitioner preferred Appeal No.18/2014 before Respondent No.2/ Divisional Commissioner. By the impugned order dated 07.01.2015, Respondent No.2 ruled that the Petitioner had not annexed the 7th standard marks memo with the application as required under the advertisement and hence, she could not have been allotted the marks on the basis of her educational qualification. The order of Respondent No.3 was, therefore, upheld.

7 The grievance of the Petitioner is that though she did not annex the marks memo to her application, she had made a statement that she was 07th standard qualified. It is further canvassed that the Respondents cannot set aside her appointment only because she had not produced the marks memo. It is hence, prayed that the impugned order be set aside and the Petitioner be restored to the position of Anganwadi Madatnis.

8 The learned Advocate for Respondent No.4 and the learned AGP have opposed this petition. The contention is that the advertisement was published in order to ensure that the applicants are made aware as to which documents are necessarily required to be annexed to their applications. Each applicant was, therefore, requested to prepare a compilation of documents as set out in the advertisement.

9 In the event, any application is entertained without documents, it would create a chaotic situation. The exercise of allotment of marks at the preliminary stages based on documents as required to be filed, would be truncated. The selection process which is required to be completed within a time frame as announced in the advertisement, would never be completed. Applicants may seek exemption and may not file their documents along with the application. So also, the marks to be allotted based on the percentage of marks scored in the 7th or 10th standard, as the case may be, cannot be awarded in the absence of the marks memo.

10 Both the learned Advocates indicate the various documents that are required to be filed along with such applications from clauses (1) to (8) of the advertisement dated 15.09.2011. It is, therefore, submitted that if any latitude is given to any applicant, the Respondents would find it extremely difficult to scrutinize the applications and conduct the preliminary process of allotment of marks based on the documents annexed to the applications. It is, therefore, submitted that the impugned orders need no interference.

11 I have considered the submissions of the learned Advocates as recorded above.

12 I have no doubt that if the applicants are given latitude of not filing the documents in the light of the advertisement published, the Competent Authority dealing with such applications and empowered to allot the marks as per the conditions set out in the advertisement, would find it extremely cumbersome to process the applications. There would be incomplete allotment of the marks. Results on the basis of the applications and documents annexed, would not be declared as the process itself would be incomplete.

13 The officials would either have to postpone the results or they would have to keep sending reminders to the applicants to produce the documents which are not annexed to the applications. I, therefore, do not find that the contentions of the Petitioner deserve any consideration in the light of the above facts.

14 As such, I do not find that Respondent Nos.3 and 2 have committed any error in passing the impugned orders.

15 The Writ Petition being devoid of merit is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)