

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

Writ Petition No. 8128 of 2015

Vimal d/o. Rajaram Patil @
Smt. Vimalbai w/o. Subhash Patil,
Age : 49 years,
Occupation : Service,
R/o. Sangavi,
Taluka : Pachora,
District : Jalgaon.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Principal Secretary,
Women and Child Development
Department,
Mantralaya, Mumbai - 32.
 2. The Director,
Integrated Child Development Services
Scheme, having office at Kokan
Bhavan, Navi Mumbai.
 3. The Chief Executive Officer,
Zilla Parishad, Jalgaon.
 4. The Child Development Project Officer,
Integrated Child Development Scheme,
Pachora, District : Jalgaon.
- .. Respondents.

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Mr. G.N. Kulkarni, Advocate, for the petitioner.

*Mrs. S.G. Chincholkar, Assistant Government Pleader,
for respondent nos.1 and 2.*

Mr. M.S. Sonawane, Advocate, for respondent nos.3 and 4.

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 31ST AUGUST 2015

ORAL ORDER (Per S.S. Shinde, J.) :

1. Heard learned Counsel for respective parties.
2. The learned Counsel appearing for the petitioner submits, that in view of Clause 2 of the Government Resolution dated 13th August 2014, issued by the Women & Child Development Department, Government of Maharashtra, the respondents ought to have appointed the candidate directly and thereafter only they ought to have invited applications for appointment to the post of Aanganwadi Sevika. It is submitted that the petitioner was not possessing the S.S.C. qualification on 4th June 2015, nevertheless, on the date of issuance of appointment letters in favour of selected candidates, the petitioner was possessing S.S.C. qualification.
3. The learned Counsel appearing for respondent nos.3 and 4 invited our attention to the affidavit in reply filed and also annexures thereto, and submits that one Smt. Sunita Hire resigned from the post of Aanganwadi Sevika in the month of January 2015. Therefore, the said post was vacant. The deponent published the advertisement. The cut off date for filing application was 4th June 2015. The petitioner had not applied for the said post and on the said date, she was not fulfilling the

requisite qualification. The learned Counsel for respondent nos.3 and 4, therefore, submits that the petition be dismissed.

4. We have perused the pleadings in the petition, annexures thereto and the affidavit in reply filed on behalf of respondent nos.3 and 4. Admittedly, on 4th June 2015, the petitioner was not possessing S.S.C. qualification. It is on 14th June 2015, the petitioner passed S.S.C. examination. Therefore, we are unable to accept prayer of the petitioner, that the petitioner ought to have been appointed on the post of Aanganwadi Sevika. The relevant date of possessing S.S.C. qualification was on the date of advertisement i.e. 4th June 2015 and admittedly, the petitioner was not possessing requisite qualification on the relevant date.

5. Hence, the petition sans merits and the same is accordingly dismissed.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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