

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10948 OF 2014

Ujwala Ganpati Kamble,
Age 49 yeas, Occ. Nil,
R/o C/o Rajendra Vihire
General Secretary of Union
Near Water Tank,
Barshi Road, Latur.

..Petitioner

Versus

1. The Child Development
Project Officer, Ekatmik
Balvikas Seva Yojana,
Ambajogai, Dist. Beed.

2. The Deputy Chief
Executive Officer,
(Child Development),
Zilla Parishad, Beed.

3. The Chief Executive Officer,
Zilla Parishad, Beed.

..Respondents

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Advocate for Petitioner : Shri Thombre C.V.
Advocate for Respondents : Shri Patil V.C. h/f Shri Bondar U.B.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: September 01, 2015

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ORAL JUDGMENT :-

1. Heard.

2. Rule.

3. By consent, Rule is made returnable forthwith and the petition is

taken up for final disposal.

4. The petitioner is aggrieved by the judgment dated 19.7.2012 delivered by the Industrial Court in Complaint (ULP) No. 84 of 2006. The said Complaint has been dismissed.

5. Contention of Shri Thombre is that the petitioner, who was appointed as an Anganwadi Assistant on 2.7.1992 was rightly promoted as Anganwadi Karyakarti on 15.7.1998. She was unlawfully reverted from the said position on 29.10.1999 on the pretext that she was not educated upto the VIII standard.

6. She challenged her reversion, dated 29.10.1999, by filing Complaint (ULP) No. 84 of 2006 on 20.7.2006. On the ground of limitation, the Complaint has been dismissed.

7. The petitioner submits that reversion is a recurring cause of action. The respondents assured her of reinstatement as Anganwadi Karyakarti and, therefore, she waited for almost seven years. When she realized that the respondents had no intention of reinstating her, she approached the Industrial Court.

8. Learned Advocate for the respondents submits that the petitioner had made an application on 26.4.1998 seeking promotion to the position of Anganwadi Karyakarti. She claimed that she was educated upto the IX

Standard and had failed in her X Standard examination. Believing the application, she was appointed as Anganwadi Karyakarti since the minimum qualification required for the said position was VIII Standard passed. As she failed to produce any proof of education, the respondents realized that she had mis-led the respondents and hence, was reverted.

9. I have considered the submissions of the learned Advocates and have gone through the petition paper book.

10. The petitioner does not dispute that she passed her VIII standard from the Vivek Dnyan Mandir School, Bardapur, Tq. Ambajogai in 2006. Her Roll No. was 42. She had scored 53%. It is, therefore, apparent that the petitioner was not qualified for being appointed / promoted as Anganwadi Karyakarti.

11. In so far as the delay was concerned, admittedly, the petitioner had not filed an application for condonation of delay. The Industrial Court considered her contention and the evidence placed on record. There was no evidence to indicate that the respondents had assured the petitioner that she would be reinstated which could have prompted her from not approaching the Industrial Court within limitation.

12. Considering the oral and documentary evidence before the Industrial Court, I do not find that the impugned judgment could be termed as being perverse or erroneous. Even otherwise, the post of Anganwadi Karyakarti

mandates minimum educational qualification upto the VIII standard. The petitioner passed her VIII Standard in 2006 after appearing in the March - April examination.

13. In the light of the above, this petition is devoid of merits and is, therefore, dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)

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akl/d