

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9674 OF 2014

LAXMI DAGADU JEDHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. S. B. Ghatol Patil
AGP for Respondent No. 1 : Mr. G. K. Naik Thigale
Advocate for Respondent Nos. 2 to 5 : Mr. U. B. Bondar
Advocate for R. No. 6 : Mr. P. B. Kagande h/f Ms. Savita P. Kakade

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 8th JULY, 2015

PER COURT :-

1. Mr. Ghatol Patil, the learned counsel for petitioner states that the petitioner was appointed as Asha Swayamsevika for village Waghadi, Taluka Paithan, and the petitioner was also provided training. Since 01.06.2009, the petitioner is working as Asha Swayamsevika in village Waghadi. Respondent No. 6 was appointed for village Naigaon, however, respondent No. 6 manipulated the record and shifted her place of appointment from Naigaon to Waghadi. The learned counsel further submits that respondent No. 6 started interrupting in the working of the petitioner. However, respondent No. 4 allowed respondent No. 6 to work at village Waghadi confirming her place of appointment as village Waghadi.

The petitioner had given representation to allow her to work at Waghadi, however, nothing has been done. No proper enquiry has been conducted.

2. The learned counsel for respondent No. 6 submits that respondent No. 6 was working at Waghadi for all these years. The contention of petitioner is false. There is record to show that the respondent No. 6, after her appointment for Waghadi as Asha Swayamsevika, is working at Waghadi since the year 2010. The learned counsel submits that, in fact, record prepared by the petitioner is false.

3. Mr. Bondar, the learned counsel for respondent Nos. 2 to 5 submits that an enquiry was conducted by the authorities and it was found that respondent No. 6 was appointed in the year 2009 for village Waghadi. However, respondent No. 6 did not join up to the year 2013 and during the said period, the petitioner was working at Waghadi. However, subsequently, after 2013, respondent No. 6 has worked at village Waghadi.

4. We have considered the submissions canvassed by the learned counsel for the respective parties. The report of the enquiry states that the Gramsabha was held on 30.01.2009 and at village

Waghadi itself, respondent No. 6 was appointed. Considering the enquiry report, it would not be possible to disturb the functioning of respondent No. 6 at village Waghadi. However, it is submitted by the petitioner that the post at Naigaon is also vacant. The petitioner may make representation with respondent No. 3 for seeking posting at village Naigaon as Asha Swayamsevika which would be considered by respondent No. 3 on its own merits and pass appropriate orders thereon, expeditiously and preferably within a period of one month from the date of receipt of said representation.

5. Writ Petition is accordingly disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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