

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8471 OF 2013

SUVARNA SUKHDEV PURI@SUVARNA KAILAS GIRI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Palodkar Devdatt P.
AGP for Respondents: Mr.P.N.Mulay
Mr. Bondar U.B. For R/2 To 4
Mr.Mayure Pramod C And R5.
Mr.V.C.Patil, for R.6.

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**CORAM : S. V. GANGAPURWALA &
V. L.ACHLIYA, JJ.
DATED : 12th MARCH, 2015**

P.C. :-

Mr.Palodkar, learned counsel submits that on wrong presumption selection process which was initiated is not being continued further. Respondent nos.2 to 4 are relying on the Government Resolution dated 15/9/2011. In fact the said G.R. does not come in the way of the respondents in not proceeding further. Learned counsel submits that it is not only with a view to benefit respondent no.5 respondent nos.2 to 4 have taken such action. According to the learned counsel, there were three applications received for the post of Anganwadi Madatnis, one was disqualified. The respondent no.5 had submitted false mark sheet as such complaint was filed and it was shown that the respondent no.5. has submitted false mark sheet. According to the learned counsel the further selection process is not proceeded only because respondent no.5 could not be accommodated by them. Learned counsel submits

that respondent nos.2 to 4 be directed to forthwith conduct the interviews of eligible candidates.

2] Mr.Bondar, learned counsel for respondent nos.2 to 4 submits that in view of G.R. dated 15/9/2011, the process was not continued further. According to the learned counsel, unless there are three applications of eligible candidates received, the selection process cannot be taken to its logical end. The complaint was filed about the false mark sheet submitted by respondent no.5 and thereafter enquiry was made, it was found that respondent no.5 has submitted false mark sheet and G.R. referred supra is relied. The learned counsel submitted that enquiry has been conducted.

3] The learned counsel for respondent no.6 states that respondent no.5's mark sheet as per record was submitted to respondent nos.2 to 4 , however, as per mark sheet of respondent no.6 also respondent no.5 has passed 7th standard.

4] The learned counsel for respondent no.5 submits that respondent no.5 is eligible to be considered for appointment to the post of Anganwadi Madatnis. As per the advertisement, she has passed 7th standard. According to the learned counsel, no illegality has been committed by the respondent no.5.

5] We have considered submissions canvassed by learned counsel for respective parties. The G.R. dated 15/9/2011 is explicitly clear. It lays down that only if no application is received from eligible candidate or only one application of eligible candidate is received on the date of advertisement than second advertisement be given. In the present case, three applications are received; one application was from an ineligible candidate but application from two

candidates were of eligible persons. In light of that the G.R. dated 15/9/2011, the whole selection process is erroneous.

6] Apart from the same no other reason is stated for not proceeding further. Letter is also issued by respondent no.2 to respondent no.5 that there is an overwriting in the mark sheet submitted and so the correct mark sheet cannot be given and it was directed to submit mark sheet by 18/4/2013 or else the application would stand rejected, it appears that respondent nos.2 to 4 subsequently rejected application of respondent no.5.

7] In view of the above, respondent may complete selection process initiated pursuant to the advertisement in the year 2013 for the post of Anganwadi Madatnis. Writ petition is accordingly disposed of. No costs.

V.L.ACHLIYA, J.

S. V. GANGAPURWALA, J.

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