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

WRIT PETITION NO. 10302 OF 2014

ANJALI HIRACHAND GAWALI,
Age : 32 years, Occ : Nil,
R/o village Kilaj, Tq.Tuljapur,
District Osmanabad.

...PETITIONER

-VERSUS-

- 1 THE STATE OF MAHARASHTRA,
Through Secretary,
Women and Child Development Department,
Mantralaya, Mumbai-400032.
- 2 The Chief Executive Officer,
Zilla Parishad, Osmanabad.
- 3 The Block Development Officer,
Panchayat Samiti, Tuljapur,
Dist.Osmanabad.
- 4 Project Level Anganwadi Volunteer,
Helper and Mini Anganwadi Volunteer
Selection Committee, Tuljapur,
Tq.Tuljapur, Dist.Osmanabad.
- 5 Vaishali Netaji Mate,
Age : Major, Occ : Service,
R/o village Kilaj, Tq.Tuljapur,
Dist.Osmanabad.

...RESPONDENTS

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Advocate for Petitioners : Mr.Syed G. R.
AGP for Respondent No.1: Smt.VA.Shinde.
Advocate for Respondent No.5 : Mr.V S Undre.
Advocate for Respondent Nos.2 to 4 : Mr.Kolpe Mahendra B..

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 25th August, 2015

Oral Judgment:

1 Rule. Rule made returnable forthwith and hearing finally by the consent of the parties.

2 The Petitioner seeks to challenge the selection and appointment of Respondent No.5 as an “Anganwadi Madatnis” as per the Government Resolution dated 05.08.2010. The Petitioner also seeks to challenge the impugned judgment of the Chief Executive Officer, Zilla Parishad, Osmanabad dated 16.07.2013 in Case No.06/ZPO/BAKAVI/ASHTA-2/KAVI/ 2748/2013 and the impugned judgment of the Divisional Commissioner, Aurangabad dated 31.07.2014 in Appeal No.21/2013.

3 The Petitioner submits that she had filed an application for seeking appointment to the post of “Anganwadi Madatnis” at Anganwadi No.87, village Kilaj, Taluka Tuljapur, District Osmanabad. Respondent No.5 had also applied for the same post.

4 Respondent No.4 initiated the process for recruiting the Anganwadi Madatnis as per the Government Resolution dated

05.08.2010. Respondent No.5 scored higher marks in comparison to the Petitioner and was selected for being appointed as an “Anganwadi Madatnis”.

5 The grievance is that clause 2(b) of the Government Resolution dated 05.08.2010 which mandates that the candidate should be resident of a particular village in which the Anganwadi is situated, has not been followed in the case of Respondent No.5. Respondent No.5 got married and started residing in her marital home at Nagaral, Taluka Lohara, District Osmanabad. She continues to reside at the said place notwithstanding the fact that she was turned a widow under unfortunate circumstances. This aspect was lost sight of by the Appointing Authority as well as by those Authorities who have delivered the impugned orders. It is, therefore, prayed that the appointment of Respondent No.5 deserves to be quashed and set aside and the impugned orders are rendered unsustainable.

6 Shri Kolpe, learned Advocate appearing on behalf of Respondent Nos.2 to 4, submits that the impugned orders are in tune with the Government Resolution dated 05.08.2010. The Authorities below have verified the place of residence of Respondent No.5. After she was rendered a widow, she has returned back to her parent's home and is presently a

local resident of village Kilaj, Taluka Tuljapur.

7 Shri Undre, learned Advocate appearing on behalf of Respondent No.5, submits that necessary documents were placed before the competent authority to indicate the place of residence of Respondent No.5. The Authorities were convinced that Respondent No.5 was a resident of village Kilaj, Taluka Tuljapur. Since she was rendered a widow, she has returned back to her parent's home and since then she is residing in the said home. She resides at the said place even today. The Authorities below have properly appreciated the facts of the case and hence, this petition be dismissed with costs.

8 Having considered the submissions of the learned Advocates, I have gone through the petition paper book with their assistance.

9 Clause 2(b) of the Government Resolution dated 05.08.2010 mandates that a person applying for the position of “Anganwadi Sevika/ Madatnis/ Mini Anganwadi Sevika/ Madatnis”, must be a resident of the village at which the Anganwadi project is implemented. It is undisputed that Respondent No.5, after marriage had joined her husband at her marital home and was residing there for a brief period. Upon being rendered a widow, she returned back to her parent's home. Necessary

record available to indicate her residence at village Kilaj after she was rendered a widow, was placed before the competent authority.

10 I have considered the impugned orders of the Chief Executive Officer as well as the Divisional Commissioner. The above aspect has been properly appreciated and considered by both the Authorities. The appointment of Respondent No.5 has, therefore, been sustained by considering the record and the fact situation. I do not find that the impugned orders deserve to be termed as perverse or erroneous.

11 In the light of the above, this Writ Petition being devoid of merit is, therefore, dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)