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

WRIT PETITION NO. 11688 OF 2014

RANJANA SUNIL MORE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS.

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Advocate for Petitioner : Shri Balkhande Prakash V.

AGP for Respondent Nos.1 and 4 : Shri U.H.Bhogle.

Advocate for Respondent Nos.2 and 3 : Shri R.N.Chavan h/f Shri Sharma
Vijay.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 19th October, 2015

Per Court:

- 1 Heard the learned Advocates for the respective sides.
- 2 The Petitioner had applied pursuant to an advertisement seeking appointment as a “Mini Anganwadi Sevika” for village Mirgavan, Taluka Bhusawal, District Jalgaon. She has participated in the whole selection process. Respondent No.5 was selected for appointment and the Petitioner was placed in the wait list.
- 3 The Petitioner raised the grievance with Respondent No.3/

Chief Executive Officer with regard to allotment of marks as per the Government Resolution dated 15.09.2011. She, therefore, challenged the selection and appointment of Respondent No.5.

4 In the course of hearing before Respondent No.3, the Competent Authority/ Respondent No.2 which conducted the selection process and interviews, candidly admitted that he had followed the Government Resolution dated 05.08.2010 and not the Government Resolution dated 15.09.2011.

5 It is not in dispute that the earlier Government Resolution dated 05.08.2010 was superseded by the subsequent Government Resolution dated 15.09.2011 by which the methodology for allotment of marks in interviews for avoiding nepotism was set in motion.

6 In the light of the admission by Respondent No.2 that he had erroneously followed the Government Resolution dated 05.08.2010 which was already superseded by the Government Resolution dated 15.09.2011, Respondent No.3, by order dated 03.06.2014, has cancelled the selection process and directed fresh selection process to be conducted as per the Government Resolution dated 15.09.2011.

7 Respondent No.5, therefore, preferred Anganwadi Appeal No.12/2014 for challenging the order of Respondent No.3. By the impugned order dated 20.08.2014, the Appellate Authority/ Respondent No.4 concurred with the view taken by Respondent No.3 and concluded that the marks in the interviews were not allotted as per the Government Resolution dated 15.09.2011. Respondent No.4, therefore, concluded that the selection process for village Mirgavan should be conducted afresh.

8 The grievance of the Petitioner is that she was unjustifiably given only four marks in the interviews and Respondent No.5 was granted nine marks. Consequentially, Respondent No.5 scored over the Petitioner and stood at Sr.No.1 in the merit list. It is, therefore, contended that if the interviews were conducted properly and if the marks were allotted strictly in accordance with the Government Resolution dated 15.09.2011, the Petitioner would have been selected. It is hence, submitted that this petition be allowed and the Petitioner be granted an appointment as a “Mini Anganwadi Sevika” in village Mirgavan.

9 The learned Advocates for the Respondents have supported the impugned order.

10 The prayer put forth by the Petitioner is misconceived and

unsustainable. It is an admitted position that the Government Resolution dated 05.08.2010 was erroneously followed while conducting the selection process when the said Government Resolution was no longer in existence in the light of the Government Resolution dated 15.09.2011. Naturally, the selection process is now required to be conducted as per the new Government Resolution dated 15.09.2011.

11 The contention of the Petitioner that her selection be ordered in the absence of the selection process being conducted in tune with the Government Resolution dated 15.09.2011, is fallacious.

12 In the light of the above, I am unable to accept the submissions of the Petitioner. I do not find that the impugned orders could be termed as being perverse or erroneous.

13 This Writ Petition being devoid of merit is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)