

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1906 OF 2014

Gayatri Pravin Daundkar. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

Saurabh Pakale i/b. A.R.Belge for the petitioner.

PG.Sawant, AGP for respondent Nos.1 and 2.

N.P.Deshpande for respondent Nos.3 and 4.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

DATED : 6th October 2015.

PC.

The petitioner was appointed as Anganwadi Sevika in the year 2008 under the Integrated Child Development Services Scheme implemented by Pune Zilla Parishad. The petitioner contested election of Gram Panchayat of village Ambale in the year 2013. In accordance with Government Resolution ("G.R." for short) dated 5th August 2010, the petitioner was given show-cause-notice. It was intimated to the petitioner that if she dose not tender resignation, her services as Anganwadi Sevika would be terminated. By order dated 27th January 2014, the services of the petitioner as Anganwadi Sevika were terminated.

2. Learned counsel appearing for the petitioner raised challenge to the validity of G.R. Dated 5th August 2010 which prescribes that Anganwadi worker, if gets elected to the local body, will have to tender resignation, else the services of Anganwadi worker would be compulsorily terminated.

3. Learned counsel for respondent Nos.3 and 4 has placed on record simple copy of the order dated 5th December 2010 passed by Division Bench of this Court in Writ Petition No.8040/2010. In the said order the Division Bench has considered the challenge raised to the same G.R. dated 5th August 2010. While rejecting the said petition, in para-7 of the order, the Division Bench has observed as under:

“7] In our view, all these tests are fully satisfied in the case of the petitioners. At the same time by the impugned Government Resolution or the show cause notice, none of the petitioners are been called upon to vacate the seats of members of Village Panchayat, and the impugned Government Resolution specifically states that on being so elected as a member of the Village Panchayat, the elected member has to vacate the post of Anganwadi Sevika/Helper. We are, therefore, not impressed by any of the grounds in the challenge raised in this Petition, and we do not find any unreasonableness or arbitrariness in the decision taken by the State Government.”

Learned counsel further submits that the said order passed by the Division Bench has not been disturbed by the higher Court.

4. Admittedly, the Anganwadi workers are appointed under the scheme funded by the Central Government and State Government. The

petitioner's services were terminated by order dated 27th January 2014 (Exh.H-1). Respondent No.3- Zilla Parishad, by filing short affidavit, has supported the said order.

5. In view of submission advanced and the order passed by the Division Bench as stated above and considering the object behind the G.R., we are not inclined to interfere with the matter in our extra ordinary writ jurisdiction. The petition is dismissed.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)

Sanjay Nanoskar, P.S..

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/order/order.