

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No. 3596/2013.

Sau. Jyoti Devanand Gudadhe

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

**CORAM : B.P.DHARMADHIKARI &
S.B.SHUKRE, JJ.**

DATE : MARCH 24, 2015.

Heard Shri H.D. Futane, learned Counsel
for the petitioner, learned A.G.P. for respondent nos. 1
and 2 and Shri S. Saoji, learned Counsel for
respondent nos. 3 and 4.

It is not in dispute that original prayers in
Writ Petition i.e. prayers 1 to 4 are deleted and
amended prayer added on 10.03.2015, is to be
considered. Petitioner seeks consideration of her
candidature for new post of Anganwadi Sevika at
Kholapur region. It appears that she has moved an
application on 20.03.2013 for said purpose.

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Shri Futane, learned Counsel submits that the earlier selection process which commenced in the year 2010-11 is still not over and two posts of Kholapur were kept vacant, hence, entitlement of petitioner against those post needs to be evaluated first and thereafter fresh advertisement if any, can be published.

Shri Saoji, learned counsel for respondent nos. 3 and 4 points out that the selection was already over way back in the year 2011, and appeal filed by the petitioner against that selection was also disposed of by the Divisional Commissioner on 03.10.2012. He further state that as such selection process which is already over in the year 2011, cannot be now directed to be reopened. The vacancies needs to be published again and fresh recruitment needs to be undertaken.

Communication dated 26.07.2011, sent by the Chief Executive Officer to the C.D.P.O., shows a remark that for two posts at Kholapur, interview should again be conducted. However, thereafter the very same Chief Executive Officer has issued an advertisement and the petitioner is now making a grievance in relation to this fresh advertisement.

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Petitioner was not issued any appointment order in earlier round of selection and as such, no legal right of petitioner can be said to be violated. Petitioner is entitled to apply again in response to fresh advertisement. The fresh advertisement is placed on record as Annexure-7, and last date for submission of application in response thereto was 22.02.2013. Petitioner has applied on 20.02.2013 itself, as such petitioners application needs to be processed in accordance with law, while filling in the vacancies as per said advertisement/proclamation No. 117/13. Therefore, with direction to respondent no. 3 to consider said application of petitioner in accordance with law and with liberty to petitioner to approach again if the grievance is not redressed thereafter, we dispose of the Writ Petition. No costs.

JUDGE**JUDGE**

Rqd.