

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5606 OF 2014

Nanda Wd/o Suresh Hatwar

-vs-

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.

Mr.N.P.Hiwase, counsel for the petitioner.
Mr.K.L.Dharmadhikari, AGP for the respondent No.1.
Ms M.P.Munshi, counsel for the respondent Nos.2 and 3.
Mr.K.P.Sadavarte, counsel for the respondent No.4.

CORAM : SMT. VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 13.04.2015.

By this petition, the petitioner impugns the order of the Chief Executive Officer dated 04/04/2014, setting aside the appointment of the petitioner as an Anganwadi Sevika. The petitioner also challenges the order of the Divisional Commissioner dated 16/09/2014 upholding the order of the Chief Executive Officer and dismissing the appeal filed by the petitioner.

The petitioner, applied for the post of Anganwadi Sevika along with several others including the respondent No.4. The petitioner was appointed on 12/04/2014 and after she joined the services, an appeal was filed by the respondent No.4 before the Chief Executive Officer challenging the appointment of the respondent No.4. According to the respondent No.4, the Committee constituted for selection and appointment of the candidates had not followed the criteria as prescribed by Clause 4(f) of the Government Resolution

dated 15/09/2011, inasmuch as the petitioner had secured more than nine marks at the interview, whereas the respondent No.4 had secured less than four though as per Clause 4(f), it was necessary for the Committee to allot maximum nine marks and minimum four marks to the candidates at the interview. The Chief Executive Officer found that the Committee had not followed the Government Resolution dated 15/09/2011 and specially Clause 4(f) thereof. The Chief Executive Officer directed the Zilla Parishad to reconsider the marks of the petitioner and the respondent No.4 by applying the correct criteria. The Zilla Parishad corrected the marks and according to the said correction, the respondent No.4 secured one mark more than the petitioner. The respondent No.4 was appointed on the post of Anganwadi Sevika. The order of the Chief Executive Officer was challenged by the petitioner in an appeal before the Divisional Commissioner. The Divisional Commissioner did not find any merit in the appeal filed by the petitioner and dismissed the same. The petitioner has challenged the orders of the Chief Executive Officer and the Divisional Commissioner in the instant petition.

On hearing the learned counsel for the parties and on a perusal of the Government Resolution dated 15/09/2011, it appears that there is no scope for interference with the impugned orders. As per clause 4(f) of the Government Resolution dated 15/09/2011, the Committee could not have granted more than nine marks to the petitioner and less than four marks to the respondent No.4. The Committee had, however, without considering Clause 4(f) of the Government Resolution dated 15/09/2011, granted more than nine marks to the petitioner and less than

four marks to the respondent No.4. The Zilla Parishad rightly reconsidered the matter after the Chief Executive Officer issued the necessary directions and the marks of the petitioner and the respondent No.4 were corrected. While making the corrections, the petitioner was awarded more marks for her performance at the S.S.C. Examination. However, on a consideration of the marks awarded to the petitioner and the respondent No.4, it appears that the respondent No.4 has secured one mark more than the petitioner. The petitioner has secured eighty four marks, whereas the respondent No.4 had secured eighty five marks. We do not find any illegality in the orders of the authorities so as to interfere with the same, in exercise of the writ jurisdiction.

Since there is no merit in the writ petition, the petition fails and is dismissed with no order as to costs.

JUDGE

JUDGE