

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7705 OF 2015

Anita W/o Hiralal Koli,
Age-32 years, Occu-Service,
C/o Hiralal Bhikan Koli,
At Post : Zotwade, Tq.Sindkheda,
Dhule

PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Integrated Child Development
Department, Mantralaya,
Mumbai-32.
2. The Divisional Commissioner,
Nashik Division, Nashik,
3. Savita Sukdev Shirsath,
C/o Shri Sukdev Manga Shirsath,
R/o Zotwade, Tq.Shindkheda,
Dist.Dhule,
4. Child Development Officer /
Member of Anganwadi Sevika
Taluka Selection Committee,
Integrated Child Development
Service Scheme (Rural) Sindkheda
Tq.Sindkheda, Dist.Dhule,
5. Taluka Medical Officer /
Member of Anganwadi Sevika
Taluka Selection Committee,
Sindkheda, Tq.Sindkheda,
Dist.Dhule
6. Subhash Nago Mali,
Member Panchayat Samiti /
Member of Anganwadi Sevika
Taluka Selection Committee,

Sindkheda, Tq.Sindkheda,
Dist.Dhule,

7. Shamkantji Saner, President
of Anganwadi Sevika
Taluka Selection Committee,
Sindkheda, Tq.Sindkheda,
Dist.Dhule,

8. The Chief Executive Officer,
Zilla Parishad, Dhule

RESPONDENTS

Mr.D.B.Thoke, Advocate for the petitioner.
Mr.S.W.Munde, AGP for respondent Nos. 1 and 2.
Mr.S.P.Brahme, Advocate for respondent No.3, 5 to 7.
Mr.R.V.Dasalkar h/f Mrs.Jadhav Vaishali, Advocate for respondent
Nos. 4 and 8.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 08/08/2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith by the consent of the parties. I have heard the learned Advocates for the petitioner and on behalf of the respondents.

2. The petitioner is aggrieved by the order dated 09/04/2015 passed by the Divisional Commissioner, Nasik Division, by which the earlier decision of the said authority dated 21/08/2012 has been maintained.

3. The petitioner contends that she was eligible for appointment as “Anganwadi Sevika”. She was so appointed after a proper selection process. Her appointment was challenged by respondent No.3 on the ground that she had submitted a false caste certificate dated 20/11/1979 when she herself claimed to have been born on 01/03/1980, which is mentioned on her application for appointment. The petitioner's appointment was also challenged for having been allotted 10 out of 10 marks for being physically abled, though she bears a certificate dated 09/09/1999 indicating her disability to the extent of 45%.

4. By order dated 21/08/2012, the Divisional Commissioner, respondent No.2 allowed the appeal filed by respondent No.3 and set aside the appointment of the petitioner. By order dated 26/02/2014 passed by this Court in WP No.7324/2012, the petitioner's petition was allowed thereby remitting the matter to respondent No.2 for deciding whether the caste certificate is false or not and whether she is abled or disabled.

5. By the impugned order dated 09/04/2015, the contention of the petitioner has been rejected and the cancellation of her appointment as “Anganwadi Sevika” has been sustained.

6 Mr.Thoke, learned Advocate has strenuously criticized the impugned order. He contends that the petitioner's date of birth is 02/06/1979. Caste certificate issued by the Tahsildar and Executive Magistrate is dated 20/11/1979. As such, there is no illegality with regard to her date of birth and her caste certificate. It is further submitted that the petitioner has executed an affidavit dated 01/04/2011 claiming therein that the petitioner Sau.Anita Hiralal Koli, by her marital name is the same person as Kalpana Dangal Koli @ Anita Dangal Koli, her maiden name.

7. This petition, besides being devoid of merit, does not deserve to be entertained for the following reasons :-

- [a] The petitioner has herself filled in her application form for appointment of "Anganwadi Sevika".
- [b] She has passed 12 standard having scored 53.83%.
- [c] She has herself mentioned her date of birth as 01/03/1980.
- [d] Her caste certificate, copy of which is placed on record and marked as Exhibit "X" for identification, indicates that it was issued on 20/11/1979.
- [e] To overcome the above peculiar situation, the petitioner has tendered an affidavit sworn by her on 01/04/2011 stating that Kalpana Dangal Koli, Anita Dangal Koli and Anita Hiralal Koli are one and the same person as the last name is her marital name and the earlier two names are her maiden names.

- [f] It is admitted on instructions by the petitioner that her elder sister is Kalpana Dangal Koli.
- [g] The fact that the petitioner's elder sister is Kalpana Dangal Koli is not mentioned in the affidavit which clearly indicates that the petitioner has resorted to a mischief by projecting herself as Kalpana Dangal Koli, born on 02/06/1979 when the caste certificate in favour of Anita Dangal Koli is prepared on 20/11/1979 and the birth date mentioned by the petitioner herself is 01/03/1980 in her application form.

8. Considering the above, this Court is not required to go into the disputed issue in its supervisory jurisdiction. Suffice it to say that the petitioner being an educated person, has mentioned her date of birth as 01/03/1980 and has tried to project herself to be Anita Dangal Koli as well as Kalpana Dangal Koli. Under such circumstances, respondent No.2 has rightly concluded that the caste certificate is suspicious and unbelievable.

9. Through the affidavit of respondent No.3 dated 05/03/2016, the disability certificate issued by the Civil Surgeon in favour of the petitioner is placed on record indicating her disability to the extent of 45%. The petitioner, therefore, could not have been granted 10 out of 10 marks for being a 'well abled' person. This contention in the affidavit of respondent No.3 has not been denied despite the fact that

the petitioner has filed a rejoinder on 19/06/2016.

10. In the light of the above, this petition being devoid of merit is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)