

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

WRIT PETITION NO. 1572 OF 2016

Ku. Varsha Sukhdeo Satpute

-vs-

The State of Maharashtra, through its Secretary, Deptt. of Rural Development 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. G.G.Bade, counsel for the petitioner.
Mr. Ambarish Joshi, AGP for the respondent No.1.
Mr. B.N.Jaipurkar, counsel for the respondent No.2.

CORAM : SMT. VASANTI A NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 08.08.2016.

By this writ petition, the petitioner seeks a direction against the respondents to appoint the petitioner on the post of Anganwadi Supervisor.

According to the petitioner, the petitioner is entitled to be appointed as an Anganwadi Supervisor, as she had secured the highest marks in the written examination and is placed at Sr.No.1 in the merit list. It is stated that the claim of the petitioner for appointment could not have been rejected on the ground that the petitioner has secured a bachelors degree in Political Science. It is stated that a bachelors degree in any discipline should have been accepted as a requisite qualification for appointment on the post of Anganwadi Supervisor.

On the other hand, it is submitted on behalf of the respondents by referring to the advertisement and specifically Clause 6, that provides for the qualification for the post of Anganwadi Supervisor that a candidate would be required to possess a Bachelor of Science degree in Zoology or Bachelor of Arts degree in Psychology, Social Work, Home Science or Nutrition. It is stated that the petitioner was aware before applying in pursuance of the said advertisement that she did not possess the degree of Bachelor of Science in Zoology or Bachelor of Arts in either of the aforesaid four subjects. It is stated that

the petitioner possesses a Bachelor of Arts degree in Political Science and the said degree was not considered to be a requisite qualification for appointment on the post of Anganwadi Supervisor.

On hearing the learned counsel for the parties and on a perusal of the advertisement, we find that the petitioner would not be entitled to the relief claimed. If the petitioner was of the view that a Bachelor of Arts degree in Political Science could also be a requisite qualification for appointment on the post of Anganwadi Supervisor, as the same is considered to be as such, in the other Zilla Parishads, the petitioner should have challenged the advertisement, before participating in the selection process. The petitioner, however, did not challenge the advertisement and applied for the post of Anganwadi Supervisor. The petitioner cannot now turn around and challenge the eligibility criteria in the advertisement. It would be necessary to refer to the judgments of the Hon'ble Supreme Court, reported in (2009) 3 SCC 227 (Amlan Jyoti Borroah v. State of Assam and others), (2008) 4 SCC 171 (Dhananjay Malik v. State of Uttaranchal), (2010) 12 SCC 576 (Manish Kumar Shahi v. State of Bihar) and (2011) 1 SCC 150 (Vijendra Kumar Verma v. Public Service Commission) in this regard. Since the petitioner admittedly does not possess the Bachelor of Science Degree in Zoology or Bachelor of Arts degree in either of the four disciplines, the candidature of the petitioner is rightly rejected.

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

JUDGE

JUDGE

C E R T I F I C A T E

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : G.S.Khunte,
P.A.to Hon'ble Judge

Uploaded on : 11/08/2016