

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4539 OF 2011

Godavari Bansilal Bhutada .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Pravin S. Dighe, Advocate for the Petitioner.

Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 and 2.

Shri N. L. Jadhav, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 27TH FEBRUARY, 2017.

PER COURT :

. Mr. Dighe, the learned counsel for the petitioner states that, the petitioner was appointed as Anganwadi Karyakarti at village Antarwali, Tq. Georai on 04.04.1988. One offence was registered against the petitioner in the year 2004. On the basis of said offence registered, the petitioner was dismissed on 13.07.2005. The learned counsel submits that, the petitioner was acquitted by the J. M. F. C. Georai for the offences punishable U/Sec. 3 and 7 of the Essential Commodities Act on 26.03.2010. After the acquittal of the petitioner, the petitioner made an application with the respondent No. 3 requesting to reinstate the petitioner in service. The respondent No. 3 on 27.09.2010

informed the petitioner that the post on which the petitioner was working is filled in. The learned counsel submits that, the petitioner was not dismissed from service after holding any departmental enquiry. The petitioner was dismissed solely on the ground that criminal case is registered against the petitioner. The petitioner has been honorably acquitted from the criminal case. As such, the petitioner is required to be reinstated. The learned counsel submits that, at various places there are posts of Anganwadi Karyakarti vacant.

2. Mr. Jadhav, the learned counsel for respondent Nos. 3 and 4 states that, the respondents have instructed him to state that, one Smt. Rathod is appointed as Anganwadi Karyakarti in place of the petitioner on 12.06.2006 by following procedure of law and now she is regular and permanent. The Anganwadi Karyakarti has to be from the same village. There is no post vacant of Anganwadi Karyakarti in the said village.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The post of Anganwadi Karyakarti is a honorary post and the Karyakarti is paid only honorarium. The Government has framed the policy by virtue of which Anganwadi Karyakarti has to be from the same village. The village from which the

petitioner belongs and the place where the petitioner was working as Anganwadi Karyakarti upto 2005 is Antarwali. The post of Anganwadi Karyakarti at village Antarwali is filled in by the respondents as contended by respondent Nos. 3 and 4. In view of that, after lapse of twelve years, it would not be possible to entertain the grievance of the petitioner, more so when the post is honorary post and Anganwadi Karyakarti works on honorarium. In view of that, the writ petition is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]