

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO. 8102 OF 2017

JYOTI CHUNILAL PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Patil Paresh B.
AGP for Respondent No.1: Mr. S.N. Morampalle

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CORAM : V. K. JADHAV, J.
DATED : 3rd APRIL, 2018

PER COURT:-

1. I do not find any substance in this writ petition. By way of this writ petition, the petitioner is challenging the legality, validity and correctness of the judgment and order dated 30.11.2016 passed by the Divisional Commissioner, Nashik Division, Nashik in Anganwadi Sevika Padbharti appeal No. 03 of 2016 arising out of the order dated 4.7.2016 passed by respondent No.2 on the application filed by the petitioner.

2. In the year 2014, respondent Nos. 3 and 4 published an advertisement for filling up one post of Anganwadi Sevika at village Sutare, Tq. Sakri, District Dhule. In response to the said advertisement, the petitioner being eligible candidate, filed an application for the said post and has also appeared for the interview before respondent No.3 selection committee. The petitioner had secured highest marks in the said selection process i.e. 80.84% and her name was mentioned at Sr.

No.1 in the merit list. Respondent No.5 herein has also participated in the said selection process and secured less marks i.e. 77.00% and her name was accordingly mentioned at Sr. No.2 in the said merit list. In spite of the same, respondent No.5 is appointed as Anganwadi Sevika. Hence, this writ petition.

3. Learned counsel for the petitioner submits that the petitioner had secured highest marks in the selection process, however, in terms of Government Resolution dated 13.8.2014, the appointment was given to respondent No.5 only on the basis of decision taken by Gram Sabha of the said village. Learned counsel submits that the proceedings of so called Gram Sabha is falsely prepared and though most of the villagers were not present in the said Gram Sabha meeting, their signatures/thumb impressions are shown to have been taken on the proceedings. Even the petitioner has filed complaint with the concerned police station on 17.2.2017 to that effect. Learned counsel submits that the petitioner has raised all these grounds before the authorities below, however, the same were not considered by the said authorities.

4. Learned A.G.P. submits that in terms of Government Resolution dated 13.8.2014, the Gram Sabha of the concerned village is empowered to take appropriate decision in respect of appointment of Anganwadi Sevika irrespective of highest marks secured by any of the candidate in the recruitment process. Learned A.G.P. submits that on

perusal of the proceeding, it appears that respondent No.5 is a married woman and therefore, the Gram Sabha has taken a decision that the married woman would stay in the village alongwith her husband and as such she would be the appropriate person to be appointed as Anganwadi Sevika in the village as compared to the petitioner, who was unmarried till the decision was taken by the Gram Sabha and after the marriage, there are chances of the petitioner to leave the village after her marriage. Learned A.G.P. submits that even the Divisional Commissioner has also observed that in all 226 villagers have signed the Gram Sabha proceedings. Learned A.G.P. further submits that after decision is rendered by the Divisional Commissioner, the present petitioner has lodged a complaint on 17.2.2017 with the concerned police station with some ulterior motive and no weightage can be given to the said complaint.

5. On careful perusal of the contents of Government Resolution dated 13.8.2014, it appears that the Gram Sabha is empowered to take appropriate decision in respect of appointment of Anganwadi Sevika irrespective of the marks secured by the candidate in the selection process. After going through the proceedings, it also appears that though the Secretary of Gram Sabha has insisted for appointment of the petitioner on the ground that she had secured highest marks, the Gram Sabha has taken decision to appoint respondent No.5 as Anganwadi Sevika for the reason that she is married woman and she is not likely to

leave the village and on the contrary the petitioner, who was unmarried at the relevant time, is likely to leave the village after her marriage.

6. It further appears that in all 226 villagers have signed the proceedings of the said Gram Sabha meeting. I do not find any substance in the submission about the false preparation of the proceeding of the Gram Sabha meeting. After decision rendered by the Divisional Commissioner, it seems that afterthought the petitioner has filed the said complaint in the concerned police station on 17.2.2017.

7. In view of above, I do not find any substance in this writ petition. The writ petition deserves to be dismissed and it is accordingly dismissed. No costs.

(V. K. JADHAV, J.)

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