

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10382 OF 2012

Ms. Chandrakala D/o. Kondibharao Bhise,
alias Mrs. Chandrakala W/o. Bhivaji Gaikwad,
Age 33 years, Occu. Nil, R/o. Bhilaj,
Post Bhogavdevi, Taluka Jintur,
District Parbhani

.. Petitioner

VERSUS

1. State of Maharashtra,
Through its Secretary,
Women and Child Development
Department, Mantralaya,
Mumbai - 32.
2. Child Development Officer,
Through its Principal Secretary,
Integrated Child Development
Services Project, Jintur,
District Parbhani
3. The Chief Executive Officer,
Zilla Parishad, Parbhani
4. Ms. Manda D/o. Shankar Hake,
alias Mrs. Manda D/o. Kashinath
Hulgunde, Age 30 years,
Occu. Service as Anganwadi Karyakarti,
R/o. Bhillaj, Taluka Jintur,
District Parbhani
5. Mr. Vasantrao S/o. Pundlikrao Shinde,
Age 52 years, Occu. Agriculture and
Politician, R/o. Gavali Galli, Jintur,
Taluka Jintur, District Parbhani

.. Respondents

...
Mr. Ajinkya Kale, Advocate h/f Mr. S.B. Talekar, Advocate for petitioner
Mrs. V.S. Choudhari, AGP for respondent-State
Mr. S.R. Yadav, Advocate for respondents no.2 and 3
None present for respondents no.4 and 5 though served
...

CORAM : SUNIL P. DESHMUKH &
P. R. BORA, JJ.
DATE : 15-01-2018

ORAL JUDGMENT (PER - SUNIL P. DESHMUKH, J.) :

1. Rule. Rule made returnable forthwith.
2. Heard learned counsel for parties by consent, finally.
3. Petitioner challenges order dated 23-07-2012 whereunder, appointment given to petitioner as Anganwadi Karyakarti in selection for said post, had been found to be not proper and accordingly had been communicated under the same about discontinuation of her services.
4. Learned counsel for petitioner Mr. Ajinkya Kale submits that petitioner had been selected by following due procedure as prescribed and had been appointed under order dated 06-07-2012 and her services purportedly immediately had been dis-continued by passing order dated 23-07-2012. He contends that the

dis-continuation order had been passed without granting any hearing to petitioner and, as such, is bad in law being in breach of principles of natural justice.

5. Learned counsel Mr. Yadav appearing for Zilla Parishad, however, points out that issuance of appointment order to petitioner had been under a mistake. In the order of merit, petitioner had been in-fact, third in serial, whereas respondent no.4 had been second in the same on the basis of marks obtained in the selection process. While the first candidate in order of merit, namely, Karuna Babarao Nirasgandh, although had been selected, had not been issued appointment order since she was not fulfilling the criterion of selection about being resident of Bhilaj. As such, candidate second in order of merit ought to have been given appointment order but due to inadvertence, it was issued to petitioner. Subsequently, upon realizing that petitioner was next to respondent no.4 and appointment order to petitioner had been erroneously issued, the same had been recalled.

6. Learned counsel for petitioner Mr. Kale is not in a position to dispute this position as appearing in the selection process although purports to contend that the marks awarded in oral interview have been too high to respondent no. 4. Although this had been so submitted, it does not appear that such a contention had

ever been raised and/or appointment of respondent no. 4 had been objected to on that count at any point of time before.

7. In absence of dispute and/or challenge to veracity about order of merit in selection process, we do not think that the petition carries any case to persuade us to exercise powers in favour of petitioner.

8. Petition is, therefore, dismissed.

9. Rule stands discharged.

[P. R. BORA]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

arp/