

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9366 of 2014

Mrs. Changuna Pandurang KuchekarPetitioner
versus
State of Maharashtra and ors.Respondents

Mr. R. V. Bansode, advocate for the petitioner.
Mrs. R. M. Shinde, AGP for the State.
Mr. S. R. Ganbawale, advocate for the respondent for the respondent
Nos.3 and 4.

**CORAM : RANJIT MORE &
SMT.SADHANA JADHAV, JJ.**

DATE : 4th APRIL, 2018.

P. C. :

The petitioner is claiming the post of Anganwadi Sevika. The petitioner competed along with others in the process of selection for this post. However, her claim was rejected and the respondent No.5 was appointed. The petitioner, being aggrieved, approached the respondent No.2-Divisional Commissioner, Pune Division, Pune, by way of appeal. Her appeal was also dismissed and, therefore, she has invoked the jurisdiction under Article 226 of the Constitution of India by filing the present petition.

2. The impugned order as well as the affidavit filed by the Block Development Officer (Admn.), Pune Division, Pune on behalf of the

respondent No.2 makes it clear that both the petitioner and respondent No.5 were allowed to compete for the said post. However, the respondent No.5 got 49 marks and the petitioner got 39.2 marks, out of 100 and, therefore, the respondent No.5 was selected.

3. Mr. Bansode, learned counsel for the petitioner, relied upon the Government Resolution dated 12th March, 2008 and contended that, earlier, the petitioner was working as Balwadi Sevika and, therefore, she could not have been deprived of 10 marks on that count. The impugned order as well as the affidavit discloses that the petitioner was working as Balwadi Sevika in private institution and not in Government Undertaking. It further shows that the said Government Resolution dated 12th March, 2008 does not give benefit to person like petitioner who was working as Balwadi Sevika in private institution.

4. The petitioner claims that the institution where she worked was run by Cantonment Board but there is nothing on record to show that the petitioner was working in the institution run by the Cantonment Board. On the contrary, the certificate of the Sarpanch at page 60 shows that the petitioner herself was running Balwadi. This certificate is contrary to the stand taken by the petitioner.

5. The respondent No.2 has passed the impugned order after hearing both the petitioner as well as respondent No.5. The respondent No.2- Divisional Commissioner has also taken into consideration the Government Resolution dated 12th March, 2008, on which, the petitioner has heavily relied upon. After considering the submissions and the said Government Resolution, we find that the view taken by the respondent No.2- Divisional Commissioner, Pune Division, Pune is correct and it cannot be disturbed by exercising the jurisdiction conferred upon this Court under Article 226 of the Constitution of India. The petition is, accordingly, dismissed.

(SMT. SADHANA JADHAV, J.)

[RANJIT MORE, J.]