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

WRIT PETITION NO.1662 OF 2019

Anjali Venkatrao Patil @
Anjali Nilesh Mulje
Age: 29 years, Occ: Household,
R/o. At Post Bori, Omerga,
Dist. Osmanabad.

..PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Women and Child Welfare
Development Department,
Mantralaya, Mumbai.
2. The Officer,
Child Welfare Project and
Conveyor member of the Selection
Committee Consolidated Child
Welfare Survive Scheme
Omerga Dist. Osmanabad.
3. The Chief Executive Officer
Osmanabad, Zilla Parishad,
Osmanabad.

..RESPONDENTS

Mr Dnyaneshwar J. Patil, Advocate for petitioner;
Mr K.N. Lokhande, A.G.P. for respondent/State;

**CORAM : PRASANNA B. VARALE
AND
S.M.GAVHANE, JJ.**

DATE : 5th FEBRUARY, 2019

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ORAL ORDER :

Heard learned Counsel appearing for the petitioner.

2. The petitioner is before this Court with principal prayer i.e. prayer clause (b), which reads thus :

(b) Issue a writ of mandamus any other writ, order or direction in the nature of writ of mandamus thereby directing respondents to consider the petitioner for appointment as Anganwadi Sevika at Bori Tq. Omerga Dist. Osmanabad by correcting her date of birth as per birth certificate and for that purpose issue necessary orders.

3. The facts giving rise to the present petition can be summarised as follows :

Respondent No.2 published an advertisement on 18th December, 2018 for filling up the post of *Anganwadi Sevika* at village Bori, Taluka Omerga, District Osmanabad. Copy of advertisement is placed

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on record at Exhibit-A. The eligibility criteria referred to in the advertisement was in respect of academic qualification, residents of candidates and age of the candidates. The minimum academic qualification was 10th Standard pass and age criteria that the candidate was between 21 to 30 i.e. on the last date of filling application, minimum age 21 years and maximum age 30 years. Clause-13 is relevant for our purposes, as it states exercise of assessment of merit of the claim of the candidates would be undertaken considering the documents placed on record along with the application. It is further made clear that the authority will not consider any document or certificate for assessing merit of the candidates after last date of accepting application/form.

The merit list of the candidates was published on notice board, copy of which, is placed on record at Exhibit-B. The petitioner stood at Serial No.1 and remark against candidature of the petitioner reads that ineligible due to over age.

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The merit list was affixed on notice board on 24th January, 2019. On 1st February, 2019 the petitioner submitted the application to respondent No. 2 stating therein that though the petitioner submitted application along with documents, the petitioner failed to submit birth certificate along with application/form.

Then it came to the knowledge of the petitioner that she was reminded of submitting copy of the transfer certificate along with application/form and in the copy of the transfer certificate, birth date of the petitioner is recorded as 17th February, 1988. It is then stated in the application that there is an error in the birth date recorded in the transfer certificate. True birth date of the petitioner is 16th February, 1989 and the petitioner possesses the birth certificate issued by Latur Municipal Corporation. Copy of the birth certificate is placed on record. This birth certificate is obtained by the petitioner on 28th January, 2019 i.e. after list of

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merit was published on notice board.

In the application, the petitioner then submits that the petitioner's claim be considered in view of birth certificate issued by Latur Municipal Corporation, Latur and copy of birth certificate issued by private hospital namely, Vivekanand Hospital, Latur.

4. The petitioner then submits that the petitioner committed no mistake and it was a mistake by the school authorities recording incorrect date of birth in the school record i.e. transfer certificate.

5. Considering all these documents, what emerges is, the petitioner wake up only after publishing list of the candidates on the notice board on 24th January, 2019.

6. Considering all these aspects, on the backdrop of advertisement published on 18th

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December, 2018 and particularly, clause-13, we are unable to entertain the petition.

7. The other aspects, on which, we are not inclined to entertain the petition.

8. If the petitioner is permitted to stake her claim by directing the authorities to consider the petitioner as an eligible candidate giving relaxation in age, same would deprive other meritorious candidates who would be at Serial No.2 and eligible as per academic qualification and age criteria. Thus, such deprivation of other candidate certainly cannot be an act of balancing equities.

9. Here, the petitioner herself is responsible for non consideration of her claim namely, the petitioner submitted documents along with application and on consideration of these documents, the authority committed no error observing that the petitioner is a over age candidate, as such, is ineligible for appointment.

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10. Thus, the petition being meritless, we are not inclined to entertain the petition and the petition is accordingly dismissed at the threshold.

(**S.M.GAVHANE**)
JUDGE

(**PRASANNA B. VARALE**)
JUDGE

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