

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

WRIT PETITION NO. 6338 OF 2018

Kusum Rangrao Kamble .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri D. S. Mali, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 and 2.

Shri Rajdeep D. Raut, Advocate for Respondent Nos. 3 to 5.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 15TH FEBRUARY, 2018.

FINAL ORDER :

. We have heard Mr. Mali, the learned advocate for the petitioner, the learned Assistant Government Pleader for respondent Nos. 1 and 2 and Mr. Raut, the learned advocate for respondent Nos. 3 to 5.

2. The petitioner is appointed as Anganwadi Madatnis on 24.06.2011. The petitioner is terminated on 12.02.2018 on the ground that the petitioner has third child and also given false affidavit.

3. It appears that, the petitioner had given affidavit on

08.06.2011 that the petitioner has two children and does not have any child after 28th March, 2005. The petitioner admits that the petitioner has three children and the last child is born on 04.04.2004.

4. The cut off date after which if the petitioner has third child, the petitioner would be disqualified for appointment is 28th March, 2005. If the petitioner has third child prior to 27th March, 2005, the petitioner cannot be held to be disqualified seeking appointment on the post of Anganwadi Madatnis. Even if reference about two children has been made in the affidavit, the same would not affect the appointment of the petitioner as the concept of small family vis-a-vis, the employment of the petitioner has come into effect on 28th March, 2005 and admittedly petitioner does not have third child born after 28.03.2005.

5. In the light of the above, the impugned order is quashed and set aside. The petitioner shall be reinstated in service. However, the petitioner will not be entitled for backwages from the date of termination till her reinstatement. The reinstatement shall be made within a period of eight (08) days from today. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]