

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12925 OF 2017

Sau. Jyoti W/o Vilas Janrao,
Age : 38 years, Occu : Anganwadi Madatnis,
R/o. Warkhed, Tq. Gangapur,
Dist. Aurangabad .. Petitioner

VERSUS

- 1] The State of Maharashtra,
Through the Secretary,
Woman and Child Development
Department, Mantralaya, Mumbai - 32.
- 2] The Commissioner,
Integrated Child Development
Service Scheme, Raigad Bhavan,
CBD Belapur, Navi Mumbai - 400 614
- 3] The Chief Executive Officer,
Zilla Parishad, Aurangabad
(Woman and Child Development
Division, Zilla Parishad)
- 4] The Project Officer,
Child Development Project
Service Scheme Office, Project - 1
at Gangapur, Dist. Aurangabad .. Respondents

...
Mr. Vilas S. Bochara, Advocate for petitioner
Mr. A.V. Deshmukh, AGP for respondent - State
Ms. Usha P. Kale - Wayal, Advocate for respondents no. 3 and 4
...

CORAM : SUNIL P. DESHMUKH &
S.M. GAVHANE, JJ.
DATE : 31-07-2019

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

1. Rule. Rule made returnable forthwith. Heard learned
counsel for the parties finally, by consent.

2. The petition has been moved seeking direction to promote the petitioner as *Anganwadi Sevika* from the post of *Anganwadi Madatnis* at village Warkhed in taluka - Gangapur and also seeking declaration that proclamation dated 11-10-2017 issued by respondent no. 4 is contrary to directives / instructions dated 07-09-2017 issued by respondent no. 1.

3. The petitioner proceeds on the premise that by virtue of her residence and experience as *Anganwadi Madatnis*, which are required for the post of *Anganwadi Sevika* since being possessed by her, she has better claim to be staked for the post of *Anganwadi Sevika* referred to under the proclamation. Considering the same, petitioner has purportedly lodged the claim for the post under letters / representations dated 13-10-2017 and 17-10-2017, requesting for her appointment as *Anganwadi Sevika* at Warkhed. Since the same were not being responded to, the petitioner is before this court.

4. In response, respondent no. 4 has filed its affidavit-in-reply, submitting that the petitioner is not eligible nor qualified to claim the post of *Anganwadi Sevika*. The primary educational qualification requirement is to have 10th standard pass and petitioner does not possess said educational qualification having passed only 7th standard school examination. It is, therefore,

submitted that the petition is wholly misconceived and is untenable and deserves to be dismissed.

5. Learned counsel for petitioner, however, submits that petitioner is on the verge of completion of her bachelor's degree course and in the circumstances, it may have to be presumed that 10th standard pass requirement for appointment of *Anganwadi Sevika* is sufficiently satisfied. Though this has been so submitted, learned counsel for petitioner is not in a position to specifically point out that petitioner has indeed passed 10th standard examination nor the petitioner is possessing bachelor's degree as on the date. In view of the same, having regard to that there is lack of educational qualification required for the post of *Anganwadi Sevika*, the same lends substance to contention on behalf of respondent no. 4.

6. The writ petition appears to be misconceived and is dismissed as such. This dismissal, of course, shall not be an impediment for petitioner for the post of *Anganwadi Sevika*, in case occasion arises, if she would be eligible and qualified. Rule stands discharged.

[S.M. GAVHANE]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

arp/