

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14290 OF 2018

ANITA BABURAO WAHMARE ALIAS
ANITA ANGAD THORAT

...PETITIONER

VERSUS

THE CHIEF EXECUTIVE OFFICER ZP
OSMANABAD AND OTHERS

...RESPONDENTS

Mr. G.J. Kore, Advocate for Petitioner
Mr. R.D. Raut, Advocate for Respondent Nos. 1 and 2
Mr. S.B. Pulkundwar, AGP for Respondents-State

**CORAM : S.V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 9th OCTOBER, 2019

ORAL ORDER:

1. Mr. Kore, the learned Counsel for the petitioner submits that the petitioner is working as Anganwadi Madatnis since 1992. She has passed S.S.C. examination held in September, 2018. The petitioner has received mark memo subsequently on 18th December, 2018. The learned Counsel submits that the respondents could not have issued the advertisement for the post of Anganwadi Sevika as the petitioner is entitled to be considered for the post of Anganwadi Sevika as is working as Madatnis.

2. According to the learned Counsel, as yet, nobody is

appointed as Anganwadi Sevika. The respondent can consider the claim of the petitioner.

3. Mr. Raut, the learned Counsel for respondent Nos. 1 and 2 submits that as on the date, the vacancy has arisen, the petitioner was not qualified. As such, the claim of the petitioner could not have been considered. The respondents have conducted the selection process. The same is also completed because of the order of status-quo, appointment order is not issued.

4. As per the scheme, the person working as Anganwadi Madatnis is entitled to be considered and appointed for the post of Anganwadi Sevika, in the same Anganwadi as and when vacancy arises of the post of Anganwadi Sevika provided the said Anganwadi Madatnis has necessary experience and the qualification.

5. It is not disputed that the vacancy arose for the post of Anganwadi Sevika, some times prior to November, 2018. On that day, the petitioner was not qualified as did not acquire SSC qualification. Even on the date of advertisement, the petitioner was not possessing SSC qualification. It would be for the respondents, thereafter to proceed with the selection process.

6. As on the date of the vacancy had arisen and the date when the seniority list was prepared so also the advertisement

issued, the petitioner was not qualified. We are not passing any order in the present matter. It is for the respondents authorities to take further course of action.

7. The writ petition is disposed of. No costs.

[ANIL S.KILOR]
JUDGE

[S.V.GANGAPURWALA]
JUDGE

mta