

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

**1050 WRIT PETITION NO.3739 OF 2021**

**KAVITABAI DHARMARAJ PATIL  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner: Mr. Patil Sandesh R.  
AGP for Respondent No. 1: Ms. P. V. Diggikar  
Advocate for Respondents No. 2 & 3:  
Mr. M. S. Sonawane

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**CORAM: S. V. GANGAPURWALA &  
R. G. AVACHAT, JJ.**

**DATE: 12<sup>th</sup> MARCH, 2021**

**PER COURT:**

1. Mr. Patil, learned Counsel for the petitioner submits that the petitioner is working as *Anganwadi Madatnis* at village Khardi for more than 10 years. The post of *Anganwadi Sevika* at the said village has become vacant. The petitioner is 9<sup>th</sup> pass. The petitioner can be considered for the post of *Anganwadi Sevika*. Instead of considering the petitioner for the post of *Anganwadi Sevika*, the advertisement is issued by the respondents, the same is illegal. The respondents are given the powers to relax the educational qualification

under Government Resolution dated 13.08.2014. The learned Counsel to substantiate his contention relies on the judgment of the Division Bench of this Court in case of ***Rajeshree Rajaram Ghude and others Vs. State of Maharashtra and others*** reported in ***2006(5) Mh.L.J. 400***.

2. Mr. Sonawane, learned Counsel for respondents no. 2 and 3 submits that the petitioner is not qualified for the post of *Anganwadi Sevika*. The qualification for the post of *Anganwadi Sevika* is 10<sup>th</sup> pass. The petitioner does not possess the said qualification. The relaxation of the condition of 10<sup>th</sup> pass can be made, if, no suitable candidate of the requisite qualification is available. The learned Counsel submits that pursuant to the advertisement, the qualified candidates possessing 10<sup>th</sup> qualification have applied.

3. Admittedly the petitioner does not possess the qualification of 10<sup>th</sup> pass. The petitioner is 9<sup>th</sup> pass. To be eligible for appointment as a

*Anganwadi Sevika*, the candidate should be 10<sup>th</sup> pass. If, the petitioner would have possessed the qualification of 10<sup>th</sup> Standard, then naturally the petitioner could have been directly appointed as *Anganwadi Sevika*; as she is working as *Anganwadi Madatnis* in the same village. However, the petitioner does not possess the said qualification. The relaxation in qualification is prescribed, if, the eligible candidate is not available. In case, pursuant to the advertisement, if, the eligible candidate does not apply, then certainly the petitioner can be considered for relaxation of qualification. If the qualified candidates are available pursuant to the advertisement, then certainly the request of the petitioner cannot be considered.

4. The respondents may take further steps pursuant to the applications received.

5. Writ Petition is disposed of. No costs.