

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.1215/2021

1. Smt. Mamta Vitthalrao Wasnik,
aged about 44 Yrs., Occu. Nil,
R/o Chandani Chowk, Yavatmal.

2. Smt. Anita Ambadas Dongre,
aged about 35 Yrs., Occu. Nil,
R/o Civil Line, Gandhi Chowk,
Yavatmal.

..Petitioners.

..Vs..

1. State of Maharashtra,
through it's Secretary, Department
of Health, Mantralaya, Mumbai - 32.

2. Zilla Parishad, Yavatmal,
through its Chief Executive Officer,
Z.P., Yavatmal.

3. District Health Officer,
Zilla Parishad, Yavatmal,
District Yavatmal.

4. Taluka Health Department,
Zilla Parishad, Yavatmal,
District Yavatmal.

5. Sangita Amol Gajbhiye,
aged adult, Occu. Service,
R/o Dalit Society, Patipura,
Yavatmal.

6. Alka Sayyed Mohamad Riyaz,
aged adult, Occu. Service,
R/o Nawab Pura, Near Haidari
Akhada, Yavatmal, District
Yavatmal.

..Respondents.

Ms Trupti Mahindrakar, Advocate for the petitioners.
Mr. N.R. Patil, A.G.P for respondent No.1.
Mr. S.C. Bhalerao, Advocate for respondent Nos.2 to 4.

CORAM :- SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.
DATED :- 22.11.2021.

ORAL JUDGMENT *(Per Sunil B. Shukre, J.)*

Heard. **Rule.** Rule made returnable forthwith. Heard finally by consent.

2. Petitioners have questioned the legality and correctness of the orders dated 24.12.2020 whereby respondent Nos.5 and 6 have been selected and appointed as 'Ahsa Health Workers' in areas, Peshwe Plot and Chandani Chowk, Yavatmal, respectively.

3. According to the learned counsel for the petitioners, such appointments of respondent Nos.5 and 6 are illegal on two counts. She submits that respondent No.5 was not an experienced candidate and respondent No.6 was not resident of Chandani Chowk, Yavatmal. Learned counsel for respondent Nos.2 to 4 has refuted these contentions. He submits that experience was not the sole criterion on

the basis of which the selection has been done. He points out from the enquiry report, copy of which has been filed at page 384 of the petition, that marks were to be allotted for educational qualification, experience, presentation, knowledge about job of 'Asha Health Workers', knowledge about vaccination, knowledge of area of work and general knowledge and accordingly, marks have been allotted to each of the candidates and in such evaluation, Sangita Amol Gajbhiye (respondent No.5) was selected and appointed as Asha Health Worker as petitioner No.2, Anita Ambadas Dongre had secured lessor marks than Sangita Amol Gajbhiye. He also points out that while respondent No.6, Alka Sayyed Mohamad Riyaz had produced certificate showing her ordinary residence of Chandani Chowk from one Corporator, petitioner No.1 Mamta Wasnik had produced two certificates of residence from two different Corporators, one from Pallavitai Ramteke and other from Chandrabhaga Madawi. Learned counsel for respondent Nos.2 to 4 points out that these two certificates were submitted by petitioner No.1 in a span of seven days and, therefore, the candidature of petitioner No.1 was not found to be suitable for such a job.

4. Considering the submissions made on behalf of respondent Nos.2 to 4 and also the fact that these submissions are duly supported

by documents on record, especially the enquiry report at page 384, about which there is no dispute at least on facts, we are of the view that there is no substance in the challenge raised by the petitioners to the appointments of respondent Nos.5 and 6 to the post of 'Asha Health Workers'.

5. While petitioner No.2 Anita Dongre and respondent No.5 Sangita Amol Gajbhiye both were found to be eligible for appointment from Peshwe Plot area, the selection of respondent No.5 was made as she had secured more marks than petitioner No.2. Respondent No.5 had secured 64 marks and petitioner No.2 had secured 56 marks about which there is no dispute. Therefore, nothing wrong could be found in appointment of respondent No.5 as 'Asha Health Worker'.

6. As regards petitioner No.1 and respondent No.6, both were the candidates aspiring for their selection from Chandani Chowk area. Respondent No.6 in the selection process had secured 54.5 marks while petitioner No.1 had secured only 47 marks. The marks obtained by respondent No.6 being more than the marks obtained by petitioner No.1, no fault could be found in giving appointment to respondent No.6 as 'Asha Health Worker'. So far as these facts are concerned, there is no dispute. However, the dispute is about the two certificates

of residence submitted by petitioner No.1. According to learned counsel for petitioners, earlier petitioner No.1 was resident of Patipura area but later on she changed her residence to Chandani Chowk area. These facts, it appears have not been brought to the notice of selection authority by petitioner No.1, but, the fact remains that on merits of the process, respondent No.6 has been found to be a candidate who is more meritorious than petitioner No.1.

7. In view of the above, we find that no case is made out for making any interference with the selection process and appointments of respondent Nos.5 and 6. Writ petition is, therefore, **dismissed**. Rule is discharged. No orders as to costs.

JUDGE

JUDGE