

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

Writ Petition No.8477 of 2019

Smt. Sheela w/o Narayanrao Borgaonkar

vs.

***The State of Maharashtra, through its Secretary, Department of Women & Child Development,
Mumbai & others***

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

*Mr. J.Y. Ghurde h/f Mr. VM. Kulsange, Advocate for the Petitioner.
Mr. N.S. Rao, A.G.P. for Respondent Nos.1 to 3.*

**CORAM : DIPANKAR DATTA, C.J. and
ROHIT B. DEO, J.**

DATE : 7th DECEMBER, 2021.

PC.

01] Heard.

02] Circular dated 05/08/2010 (Annexure-C) issued by the State Government is under challenge in this writ petition. In terms of such circular, if an incumbent Anganwadi Sewika is elected as a Gram Panchayat member, she has to step down. In other words, dual functioning as Anganwadi Sewika and Gram Panchayat member is not permissible.

03] It is not in dispute that the petitioner was elected as a Gram Panchayat member in an election conducted in 2015. A show cause notice was issued to her why her engagement as Anganwadi Sewika should not be terminated and pursuant to proceedings that followed, such engagement was terminated.

04] Having regard to the fact that the petitioner must have spent out her term as a Gram Panchayat member by now, we are not inclined to examine the validity of the circular dated 05/08/2010 in the course of this proceeding.

05] The writ petition is disposed of granting liberty to the petitioner to challenge the circular in appropriate proceedings in future, if occasion therefor so arises. Liberty is also granted to the petitioner to challenge the order of termination, if so advised, in accordance with law. No costs.

JUDGE

CHIEF JUSTICE

**sandesh*