

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

WRIT PETITION NO.8577 OF 2021

Saroja Dadasaheb Gund
Age : 37 years, Occu : Service,
R/o. Old Kazi Galli, Latur
Tq. & Dist. Latur

.. Petitioner

Versus

1. The State of Maharashtra
Through the Secretary,
Woman and Child Development Department,
Mantralaya, Mumbai
2. The Commissioner
Woman and Child Development, Pune
Tq. and Dist. Pune
3. The Child Development Project Officer (Class-I)
Trimurti Bhavan, Near Uday Petrol Pump,
Barshi Road, Latur, Tq. & Dist. Latur
4. Radhika Balkrushna Kulkarni
Age : 35 years, Occu : Service,
R/o. Hatte Nagar, Latur
Tq. & Dist. Latur

.. Respondents

...

Advocate for Petitioner : Mr. Tukaram M. Venjane
AGP for Respondent / State : Mr. S.B. Yawalkar
Advocate for Respondent No.4 : Mr. G.L. Deshpande

...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 04-08-2022

ORAL JUDGMENT (MANGESH S. PATIL, J.) :

1. Heard. Rule. Rule is made returnable forthwith. Learned AGP Mr. S.B. Yawalkar waives service for respondent nos.1 to 3. Learned Advocate Mr. G.L. Deshpande waives service for respondent no.4. At the joint request of the parties, the matter is heard finally at the stage of admission.

2. Though initially when the petition was filed the dispute was only in respect of the *inter se* seniority, during pendency of the petition respondent no.4 has even been granted promotion to the post of Anganwadi Sevika.

3. The petitioner's grievance is about appointment of respondent no.4 as Anganwadi Sevika in Anganwadi No.129 of ward no.8 of Latur, in preference to her.

4. Learned advocate Mr. T.M. Venjane for the petitioner submits that by virtue of the Government Resolution dated 13.08.2014, the seniority list of Anganwadi Madatnis qua each ward has to be maintained in respect of the urban areas and the senior-most Madatnis is entitled to be appointed as Anganwadi Sevika if she possesses requisite qualification and has completed two

years of service.

5. There is no dispute about the fact that respondent no.4 was appointed as Madatnis on 23.02.2007 in Anganwadi No.85 which is from ward no.109, whereas the petitioner was appointed on 26.08.2011 in Anganwadi no.129 from ward no.8. Going by the date of appointment, there cannot be any dispute that respondent no.4 was appointed as Anganwadi Madatnis prior to the petitioner.

6. The only dispute seems to be because of the fact that respondent no.4 who was originally appointed as an Anganwadi Madatnis in ward no.7 was transferred to the ward no.8 in the year 2015 whereas the petitioner has already been working in the same ward since 2011. The petitioner seems to be harbouring an impression that it is the station seniority which should count rather than ward wise seniority.

7. True it is that respondent no.4 was transferred from a different ward to ward no.8. However, there are no allegations that her such transfer was on her own request. Rather the affidavit-in-reply filed by respondents 1 to 3 along with the annexures demonstrates that it was purely on the administrative ground that she

was transferred to ward no.8. There are also no allegations about any *mala fides* in effecting such transfer.

8. In view of the above, when admittedly respondent no.4 is senior to the petitioner going by the date of initial appointment coupled with the fact that she has been transferred to the ward no. 8 on administrative grounds, we find no illegality in the order appointing Respondent no.4 as Anganwadi Sevika. Writ Petition is dismissed. Rule is discharged.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)