

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.311 OF 2014

SAVITA RAMCHANDRA MALI ALIAS SAVITA SANJAY KSHIRSAGAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Krishna P. Rodge
AGP for Respondent No.1 – State : Mr. A. R. Kale
Advocate for Respondents No.2 to 4 : Mr. Kishor J. Ghute Patil
Advocate for Respondents No.3 and 4 : Mr. Satyavati K Doke
(Renge)

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**CORAM : R. D. DHANUKA &
S. G. MEHARE, JJ.**

DATE : 26-04-2022

PER COURT :-

By this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for writ of certiorari for quashing and setting aside the order of selection of respondent no. 5 to the post of Anganwadi Supervisor in the selection process of 2013 conducted by the respondents no. 2 to 4.

2. The petitioner / respondent no. 5 and several others have responded to advertisement/proclamation issued by respondent no. 2 for filling up the posts of Anganwadi Supervisor from amongst Anganwadi Karyakartis, who have completed 10 years service and obtained 75 marks in written examination, 10 marks in oral interview and 5 marks in the qualification of graduation and more and 10 marks were prescribed for experience.

3. It was the case of the petitioner that the petitioner was not given correct marks in respect of one of the questions and in view of granting one mark less, the petitioner was not selected and the respondent no. 5 came to be selected.

4. One of the candidates had filed writ petition, 4 of the candidates appeared for the same examination and filed separate Writ Petition no. 7504 of 2013, 8705 of 2013 and 8706 of 2013. All these three petitions deal with the selection process for the post of Anganwadi Karyakarti / Anganwadi Supervisor undertaken by respondents no. 2 and 3.

5. The petitioner in Writ Petition no. 7504 of 2013 was initially selected and issued with the appointment order. Subsequently, on the complaint/representation of respondent no. 5 in said writ petition, question papers were verified. Answer key was revised and respondent no. 5 thereafter is appointed. Petitioner's appointment is cancelled and petitioner stands relieved. Petitioners in Writ Petitions No. 8705 and 8706 of 2013 are unsuccessful candidates in the selection process. They have challenged the selection process itself.

6. After hearing both the parties at length and after considering the affidavits filed by the Management Zilla Parishad clarified weightage and methodology of giving answer by the successful candidates, this Court has considered the similar issue and the

allegations about alleged defect in the selection process and giving more marks to the respondent no. 5. This court held that the answer of the candidate is considered for giving marks and mode or method adopted for marking the selected answer is not given weightage. This court accordingly held that after having participated in the selection process and on being unsuccessful therein, the candidate was not entitled to challenge the selection process.

7. Be that as it may, in this case no case for interference in the writ jurisdiction of this Court is made out.

8. This Court cannot reevaluate the marks granted to the candidates who appeared in the examination of selection process and cannot come to a different conclusion. There are identical issues involved in this writ petition.

9. In our view, this writ petition is devoid of merits. Even otherwise, the respondent no. 5 was selected in year 2013. No interim relief is granted till this date. Writ petition is accordingly dismissed. No order as to the costs.

(S. G. MEHARE)
JUDGE

(R. D. DHANUKA)
JUDGE