

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

WRIT PETITION NO. 2476/2021

Vijaylaxmi W/o Balayya Borkute
(Nee: Vijaylaxmi D/o Vyankati Durgam),
Aged about 27 years, Occ. Service,
R/o At Jafrabad Chak, Post Tekda (Talla),
Tah. Sironcha, Dist. Gadchiroli.

PETITIONER

.....VERSUS.....

1. State of Maharashtra,
Through its Secretary,
Department of Women and Child Development,
Mantralaya, Mumbai-32.
2. Zilla Parishad Gadchiroli,
Through its Chief Executive Officer,
Zilla Parishad Complex, Gadchiroli, Dist. Gadchiroli.
3. Integrated child Development Officer, Sironcha,
Tah. Sironcha, Dist. Gadchiroli.
4. Child Development Project Officer,
Integrated Child Development Welfare Scheme,
Sironcha, Tah. Sironcha, Dist. Gadchiroli.
5. Sapna W/o Bapu Barsagandi
(Nee: Sapna D/o Swami Mudmadigela),
aged about 25 years, Occ. Service,
R/o At Mokyala, Post Tekda (Talla),
Tq. Sironcha, Dist. Gadchiroli.

RESPONDENTS

Shri S.V. Deshpande with Shri Shankar Borkuta, counsel for the petitioner.
Ms N.P. Mehta, Assistant Government Pleader for the respondent nos.1, 3 and 4.
Shri A.R. Fule, counsel for the respondent no.2.
Mrs. Gayatri R. Diwe-Puranik, Advocate with Shri P.R. Agrawal, counsel for the
respondent no.5.

CORAM : A. S. CHANDURKAR AND SMT. M.S. JAWALKAR, JJ.

DATE : 08TH MARCH, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned
counsel for the parties.

2. The petitioner has challenged the order dated 11.11.2020 that has been issued by the Child Welfare Officer under the Integrated Child Development Welfare Scheme thereby appointing the respondent no.5 on the post of Anganwadi Sevika which post was initially held by the petitioner. It is the case of the petitioner that she resides at village Jafrabad, Tahsil Sironcha, District Gadchiroli. On 30.01.2017 she was appointed on the post of Anganwadi Helper. Subsequently by an order dated 04.05.2020 she was appointed on the post of Anganwadi Sevika. Shortly thereafter on 13.05.2020 she was reverted to the post of Anganwadi Helper since the Authorities were not clear as regards the entitlement of the petitioner to be appointed on the post of Anganwadi Sevika. The subsequent appointment of the respondent no.5 as Anganwadi Sevika is thus under challenge.

3. After hearing the learned counsel for the parties and after perusing the documents on record, it is found that the petitioner on 18.05.2020 and 07.12.2020 had made representations to the Chief Executive Officer, Zilla Parishad, Gadchiroli to support her entitlement to the post of Anganwadi Sevika. Since we find that certain factual aspects would require adjudication, the interests of justice would be served by directing the Chief Executive Officer to consider and decide the representations dated 18.05.2020 and 07.05.2020 in accordance with the

prevailing policy. The Chief Executive Officer shall grant an opportunity of hearing to the petitioner as well as the respondent no.5 to facilitate such adjudication. A decision thereon be taken within a period of six weeks from the date of production of this order before the Chief Executive Officer, Zilla Parishad, Gadchiroli. All points raised on merits are kept open.

4. The writ petition is disposed of with aforesaid directions. Rule accordingly. No costs.

(SMT. M.S. JAWALKAR, J.)

(A.S. CHANDURKAR, J.)

APTE