

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1790 OF 2021

(Mamtabai Dnyaneshwar Kumbhar Vs. The State of Maharashtra and
others)

WITH

CIVIL APPLICATION NO.14295 OF 2022

(Pratibha Hari Shirsath Vs. Mamtabai Dnyaneshwar Kumbhar and
others)

Mr.S.R.Patil, Advocate for the petitioner.

Mr.S.K.Tambe, AGP for respondent No.1.

Mr.Maheshkumar Sonawane, Advocate for respondent Nos. 2 and 3.

Mr.U.S.Malte, Advocate for the respondent/intervenor.

**(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)**

DATE : JANUARY 20, 2023

PER COURT :

1. We have considered the submissions of the learned Advocates for the respective sides, in as much as, the learned Advocate representing the applicant seeking intervention.

2. The issue narrows down to the appointment of an Anganwadi helper as Anganwadi Sevika. The rules are in place. The eligibility of candidates as per the rules has to be assessed. This exercise is to be performed by respondent No.3 / Child Development Project Officer.

When this Authority is empowered to consider the eligibility for appointing / promoting a candidate to the Post of Anganwadi Sevika, this Court need not take up the disputed issues as regards the eligibility of the candidates and disqualifying clauses, if any. Suffice it so say that the intervention applicant has raised certain objections. The petitioner stakes a claim for the post. Respondent No.3 ought to decide this controversy in the light of the rules and the records available.

3. In view of the above, the petition is disposed off with a direction to respondent No.3 to consider the records and the objections, if any and decide the issue strictly as per the rules applicable. Needless to state, the most eligible candidate, meaning a candidate, who does not suffer from any legal impediment, will have to be appointed as the Anganwadi Sevika. Let this exercise be concluded by 31.03.2023.

4. The civil application does not survive and stands disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)