

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

7 WRIT PETITION NO.10803 OF 2023

MANGAL MANIKRAO CHATE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Sushant Baburao Choudhari
AGP for Respondents/State : Mr. P.S. Patil
Advocate for R/2 to 4 : Mr. P.D.Suryawanshi
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRADE, JJ.**
DATE : 3rd October, 2023

PC. :-

1. The Petitioner has challenged the order dated 04.08.2023 passed by the Zilla Parishad, second Respondent herein. By the said order, representation of Respondent No.5 is accepted and the appointment order of the Petitioner as 'Anganwadi Sevika' has been quashed and set aside.

2. Respondent No.5 was added in the array of Respondents and notice was issued to him. The Petitioner was permitted to serve privately. A service affidavit dated 15.09.2023 is tendered in the Court. Copy of the notice issued to Respondent No.5 is also placed on record. An original Speed Post A.D. receipt is also placed on record along with the tracking report obtained

from the India Post website indicating that the notice was served on Respondent No.5 at 11.34 hours on 13.09.2023.

3. The learned advocate for the Zilla Parishad submits on instructions that when the impugned order was passed by the C.E.O., Zilla Parishad, Beed, no opportunity of hearing was given to the Petitioner. On instructions he submits that no notice of hearing was issued.

4. In view of the above, **this petition is allowed**. The impugned order is quashed and set aside. The proceedings initiated at the behest of Respondent No.5 are restored to the file of Respondent No.2. The Petitioner shall appear before the Respondent No.2 at 12.00 noon on 23.10.2023. The Respondent No.2 shall issue a notice to Respondent No.5 / Original Complainant for a hearing on 23.10.2023. Needless to state, by affording a reasonable opportunity to all the litigating parties, Respondent No.2 would follow the due procedure laid down in law and pass a final order on or before 31.12.2023.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]