



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition (WP) No. 4959 of 2023

Mrs. Nirmalal W/o Gopal Thakare

Versus

The Divisional Commissioner (Development), Nagpur Division and
others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.M.Sinha, Advocate for the petitioner.

Ms. H.N.Jaipurkar, AGP for the respondent nos. 1 to 3.

CORAM : ANIL S. KILOR, J.

DATED : 11th SEPTEMBER, 2023.

Heard.

2. The petitioner and the respondent no.4 both were appointed on the post of 'Anganwadi madatnis' for Anganwadi at Nimgaon, Tah-Arjuni/Mor, Dist. Gondia by the respondent no.3.

3. Thereafter there was a vacancy of post of 'Anganwadi Sevika', and on findings that the respondent no.4 was senior to the petitioner she was appointed as 'Anganwadi Sevika'.

4. The appointment of the respondent no.4 was thereupon, challenged by the petitioner on the

ground the petitioner and respondent no.4 were appointed on the same date i.e. 17th February, 2009. However, for some reason, the petitioner could not join on the same day i.e. 17th February, 2009 but she joined on 18th February, 2009. Whereas, the respondent no.4 joined on 17th February, 2009, i.e. a day prior to the joining of petitioner.

5. It is the case of the petitioner that at the time of joining on 17th February, 2009, the medical certificate was not submitted by the respondent no.4 and therefore, her date of joining cannot be considered as 17th February, 2009.

6. The said contention of the petitioner was rejected by the Chief Executive Officer vide impugned order dated 7th February, 2023 by observing that as per the rules after joining the services within six months, the medical certificate can be filed and as the respondent no.4 submitted her medical certificate within the stipulated period, there is no illegality in holding that of the respondent no.4 the date of joining is as 17th February, 2009.

7. Nothing has been pointed out by the learned counsel for the petitioner that the findings recorded by the Chief Executive Officer that the

respondent no.4 submitted the medical certificate within stipulated period as per the rules is illegal.

8. The only evidence which is pointed out is that on 18th February, 2009 only one medical certificate was issued and that was to the petitioner.

9. This information has been collected by the petitioner under the Right to Information Act. However, it does not falsify the observations of the Chief Executive Officer that within the period of six months, the respondent no.4 submitted her medical certificate.

10. In that view of the matter, I do not find any merit in the present writ petition. Accordingly, it is dismissed.

[ANIL S. KILOR, J.]