

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

WRIT PETITION NO.565/2022

Ku. Madhuri Panjabrao Bhosale
@ Sau Madhuri Ramesh Veer,
aged about 48 years, Occ. Service,
R/o Azad Ward, Chimur, Taq. Chimur,
Dist. Chandrapur.

... Petitioner

- Versus -

1. The Zilla Parishad, Chandrapur,
through its Chief Executive Officer,
Chandrapur, Dist. Chandrapur.
2. The Deputy Chief Executive Officer,
Women and Child Welfare Department,
Zilla Parishad, Chandrapur.

... Respondents

Ms. Shital V. Dhawas, Advocate for the Petitioner.
Mr. Suyash Agrawal, Advocate for Respondent 1.

CORAM: ROHIT B. DEO & Y.G. KHOBRAGADE, JJ.
DATE : 21.2.2023

ORAL JUDGMENT (Per Rohit B. Deo, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally with consent of learned counsel for the parties.

2. The petitioner is assailing the communication dated 4.10.2021 whereby she is informed that she cannot be appointed as Anganwadi Supervisor in the Women and Child Welfare Department of Zilla Parishad, Chandrapur.

3. The communication which is impugned is issued in view of certain developments which had taken in the judicial proceedings in which the Maratha reservation was assailed.

4. Respondent had published advertisement dated 22.8.2014 to fill in 27 posts of Anganwadi Supervisor, along with certain other vacancies. The petitioner responded to the said advertisement and claimed reservation under the educationally and socially backward class for which 2 vacancies were reserved.

5. The petitioner was permitted to appear for the written test and the marks secured were published on 25.3.2015. The petitioner is shown at serial 86 on the basis of the marks secured.

According to the petitioner, she was held eligible for appointment.

6. The petitioner avers that the respondents filled in 24 posts out of total 27 posts of Anganwadi Supervisor. While 3 posts were not filled in, the petitioner was not issued appointment order. The petitioner represented, but to no avail.

7. According to the petitioner, Government Resolution dated 11.7.2019 provides that recruitment process under the educationally and socially backward class category started from 9.7.2014 to 14.11.2014 should be taken to the logical end and that the posts reserved for the said category must be filled in. The petitioner has referred to one Smt. Ankita Arun Mahadik. According to the petitioner, she was issued appointment order by Zilla Parishad, Ratnagiri under the educationally and socially backward class category.

8. We have perused the affidavit in response.

9. It is not the case of the petitioner that she is entitled to be appointed under the open category. The petitioner is claiming the benefit of the reservation for the educationally and socially backward class. The reservation was challenged in Public Interest Litigation 175/2018 and the interim order dated 19.12.2018 orders that no appointment orders shall be issued to the selected candidates under the Maratha quota. The said matter was finally decided vide judgment dated 27.6.2019 and the Maratha reservation was upheld subject to certain reduction in the quantum of reservation. The judgment of the Division Bench was assailed in Civil Appeal 3123/2020 which the Hon'ble Supreme Court allowed vide judgment dated 5.5.2021.

10. After the judgment of the Hon'ble Supreme Court, the State Government issued Government Resolution dated 5.7.2021 which cancels or revokes the Government Resolution dated 11.7.2019 and clarifies that only those appointments already made under the socially and educationally backward classes from

14.11.2014 till the High Court stayed the appointments in Public Interest Litigation 175/2018, shall stand protected.

11. It is not the case of the petitioner that she falls within the category of the protected appointees. As a fact, the petitioner has only cleared the written test and was included in the eligibility list at serial 86. In the absence of any material on record, we are not in a position to appreciate the submission on the basis of parity. The relevant dates as regards the appointment of one Ankita Mahadik purportedly done by Ratnagiri Zilla Parishad are not before us.

12. We do not find any substance in the petition and the same is dismissed.

(Y.G. KHOBRAGADE, J.)

(ROHIT B. DEO, J.)

Tambaskar.

Signed By: NILESH VILASRAO
TAMBASKAR

Private Secretary
Date: 23.02.2023 19:33