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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**46 WRIT PETITION NO. 539 OF 2022**

ASMITA SANTOSH NIRMAL ALIAS ASMITA DATTARAO KALE

VERSUS

THE ZILLA PARISHAD, NANDED AND OTHERS

Mr.S.B.Ghatol Patil, Advocate for the petitioner.

Mr.R.S.Wani, AGP for the respondent/State.

( CORAM : MANGESH S. PATIL AND  
PRAFULLA S. KHUBALKAR, JJ. )

DATE : DECEMBER 9, 2024

PER COURT :

1. The petitioner, whose name was apparently recommended by the Gram Panchayat for being appointed as a 'Asha Worker', was given an appointment by respondent No.3 on behalf of respondent Nos. 1 to 4 by issuing appointment order, dated 06.12.2021 (Exh.A).

2. Apparently, after receiving some communication from the Gram Panchayat, by the impugned order, he has cancelled her appointment within 15 days by mentioning that since the Gram Panchayat was opposing her appointment, he was cancelling it.

3. We have heard both the sides. At the outset, it is necessary to mention that inspite of service of notice, respondent No.5 / Gram Panchayat has not responded.

4. Admittedly, after respondent No.5 / Gram Panchayat passed Resolution No.10 on 22.01.2020 *inter alia* consenting for petitioner's appointment as Asha Worker that she was appointed on 06.12.2021.

5. The impugned order of termination reads that the Gram Panchayat was opposing her appointment. Assuming for the sake of arguments that the Gram Panchayat has raised some objection at a later point of time, once he had appointed the petitioner based on the resolution passed by the Gram Panchayat, in our considered view, respondent no.3 should not have indulged in obliging the Gram Panchayat and straight away cancelling the petitioner's appointment.

6. Independently, by the communications dated 23.06.2020 Exh.D, the Sarpanch and the Gram Sevak on behalf of the Gram Panchayat had informed respondent No.3 regarding passing of the

resolution for consenting the appointment of the petitioner. By communication dated 24.06.2020, he had informed the Gram Panchayat that instead of one, the Gram Panchayat had suggested 2 individuals for being appointed, the petitioner having remained present and her documents having been verified, but not the other individual, and specifically intimated the Gram Panchayat that if the compliance was not made, one of them would be appointed. It is pursuant to this communication that the petitioner was appointed.

7. Apart therefrom even no principles of natural justice were followed before passing the impugned order.

8. Writ petition is allowed. The impugned order is quashed and set aside. However, a note of this order shall be taken in the service record of respondent No.3 for his arbitrary exercise of the powers. Needless to state that respondent No.3 shall now permit the petitioner to resume immediately.

( PRAFULLA S. KHUBALKAR, J.)

( MANGESH S. PATIL, J.)