



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

WRIT PETITION NO.1847 OF 2023

[Ravina W/o Sugat Tayade @ Ravina D/o Subhash Hiwarale .Vs. State of
Maharashtra and Ors.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr S. N. Nandeshwar, Advocate for Petitioner.
Ms P. Joshi, AGP for Respondent No.1.
Mr D. C. Pandey, Advocate for Respondent Nos.2 and 3.
Mr P. K. Raulkar, Advocate for Respondent No.4.

CORAM : **AVINASH G. GHAROTE AND**
ANIL L. PANSARE, JJ.

DATE : **9th JANUARY, 2024.**

. The petition questions the correction in the merit list for the post of Anganwadi Madatnis for the village Nakashi, Tahsil Balapur, District Akola. The basic requirement, as per the Government Resolution dated 13.08.2014 (Page 70 Annexure-I), is of 7th Standard passed on the basis of which, the marks are to be allotted by the Committee constituted for that purpose, additional marks being allotted for further qualification, in terms of the said GR. The requirement is for submitting the mark-sheet, which would enable the Committee constituted, to consider them and do the appropriate marking.

2. In the instant case, the Committee prepared a merit list and published it on 08.02.2022 (Page 54), in which the name of the petitioner was shown at serial No.1, whereas the name of respondent No.4 was shown at serial

No.7. The reason for showing the name of respondent No.4 at serial No. 7 was that she had not annexed her 7th Standard mark-sheet, though it is an admitted position, that the mark-sheets for the 10th and 12th Standards were annexed for which marking was given. As the mark-sheet for 7th Standard, was claimed not to have been annexed, no marks were given on that count. The merit list indicated inviting of objection within 10 days. On an objection being raised to the effect that the mark-sheet for 7st Standard was indeed filed alongwith the application by respondent No.4, an inquiry was conducted in terms of Clause 3 of the GR, where it was found that the check list alongwith the application as received by the Officer appointed for that purpose namely Shri Khule, it is indicated that the mark-sheet for the 7th Standard was filed by the respondent No.4, was enclosed. This is so indicated from the perusal of the check list at Page 83, a better readable copy of which has been supplied to the learned counsel for respondent Nos.2 and 3.

3. This being the position, it is clearly not a case where the mark-sheet for the 7th Standard was not submitted by the respondent No.4. In accordance with this mark-sheet which was considered in pursuance to a hearing conducted on 17.05.2022, the final merit list was published in which the respondent No.4 is shown as at serial No.1 and petitioner therein at serial No.2.

4. Mr Nandeshwar, learned counsel for the petitioner taking exception to this process contends, that there is no provision by which the mark-sheet can be subsequently permitted to be taken on record. By relying upon the minutes of the meeting dated 17.05.2022, it is contended that the concerned Officer has found that the mark-sheet was not annexed, which statement according to him should be relied upon in contradiction to the check list.

5. The learned counsel for respondent Nos.2 and 3 supports the check list placed on record (Page 83) and contends that, that the document was submitted is apparent from the said check list, which somehow appears to have been misplaced by the time it reached to the Scrutiny Committee on account of which, on an objection being raised, the same has been considered.

6. A perusal of the check list, which is a document admitted by the respondent Nos.2 and 3, who have proper custody of the same indicates, that the mark-sheet for the 7th Standard was supplied by the respondent No.4 alongwith her application. The column in that regard has been tick marked as available by the concerned Clerk namely Shri Khule, who has received the application and verified the documents alongwith the application on 19.01.2022, the date of its receipt. This being the position, any misplacement of the said document, cannot be to the detriment of the respondent No.4, and therefore, the

objection in that regard has rightly been considered and accepted by the Authorities, consequent to which, the final merit list has been prepared and published. The contention that the statement of respondent No.2 should be accepted as against the check list, in our considered opinion would not be acceptable, as it is the check list, which would hold the field. It is also stated that an inquiry had been commenced against Mr Khule, and the communication dated 14.02.2022 was also issued to Shri Khule, the Assistant Clerk in-charge in receipt of the application.

7. Considering the above discussion, we are not inclined to interfere in petition, as we do not see any merit in the contention. The petition is, therefore, **dismissed**. No cost.

(ANIL L. PANSARE, J.)

(AVINASH G. GHAROTE, J.)