



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

WRIT PETITION NO. 7826 OF 2023

(Ku.Reena D/o Dayal Chimankar @ Smt.Reena W/o Devendra Gajbhiye and another vs. The State of Maharashtra and others)

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

Court's or Judge's order

Mr.K.S.Motwani, Advocate for the petitioner.
Mr.Harshwardhan Dhumale, AGP for respondent Nos.1 and 2.
Mr.R.S.Khobragade, Advocate for respondent No.3

CORAM : AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.

DATE : DECEMBER 04, 2024

1) Heard Mr.Motwani, learned Counsel for the petitioners. The petitioners are aggrieved by the non-awarding of 02 marks, to them in the process of selection for the post of 'Anganwadi Helper' for which the process was conducted by the respondent No.3 in terms of the Government Resolution dated 02.02.2023 (page 34). It is their contention that though 02 marks are to be awarded to the applicants/candidates having the passing certificate of the computer examination MS-CIT from a government approved institution and though they had submitted such certificates (page 19 and 20), no marks were awarded to them, which has resulted into over all total of the petitioners being reduced by 02 marks and thereby bringing them lower in level in the merits list.

2) Learned Counsel for the petitioners in support of his contention places reliance upon the notifications dated 07.08.2001 (page 21) and 04.02.2013 (page 26) he therefore submits that the petitioners are entitled to award of 02 marks having secured the qualification of MS-CIT from government approved institution.

3) Mr.Khobragade, learned Counsel for respondent No.3 does not dispute that no marks have been granted to the petitioners for having passed MS-CIT examination in computer, he however tries to justify this, on the ground that the clarification in this regard was issued by the respondent No.1 by notification dated 11.08.2023 (page 52), by which time the entire process of selection was already completed.

4) The requirement of having passed MS-CIT examination in computer for the award of 02 marks is reflected from Schedule A of the GR dated 02.02.2023, which provides that 02 marks shall be awarded to a candidate, who was having passing certificate in MS-CIT from a government approved institution. The petitioner No.1 Ku.Reen Dayal Chimankar has passed the said computer examination from National Institute of Electronics and Information Technology (NIELIT) in respect of which a certificate of having completed the Course on Computer Concepts (CCC) has been issued to her in December 2018 (page 19). By virtue of the notification dated 04.02.2013 (page 26) issued by the State, the certificate issued by NIELIT, New Delhi has been held to be acceptable for the purpose of considering equivalence for having completed the course of MS-CIT.

5) In case of petitioner No.2, she has placed on record a certificate issued by the DOEACC Society, which has been granted equivalence by the GR dated 07.08.2001 (page 21). It is not in dispute by the learned Counsel for respondent No.3 that these certificates were produced by the petitioners along with their applications for being selected as 'Anganwadi Helpers'. The contention for not considering these certificates for award of marks, which is based upon the fact that the notification dated 11.08.2023 is subsequent in point of time is of no assistance to

the respondent No.3, for the reason that the equivalence is already declared by the notification dated 07.08.2001 and 04.02.2013 as indicated above. The notification dated 11.08.2023 is merely clarificatory in nature and does not have any bearing upon the award of marks.

6) It is also necessary to note that the award of 02 marks on account of the candidate having passed the MS-CIT examination is already contained in the GR dated 02.02.2023 on the basis of which the selection has been conducted. Since the tabular mark-sheet produced on record at page 43 and 44, indicate that no marks has been awarded to the petitioners for having cleared MS-CIT course from the government approved institutions, the results will have to be therefore, modified.

7) We therefore, allow the petition by holding that the petitioners are entitled to be awarded 02 marks each, for having cleared MS-CIT course from government approved institution and direct the respondent No.3 to correct the select list by showing the award of such marks to the petitioners resultantly correcting the total number of marks awarded to them. No order as to costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

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