



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2304 OF 2025

Vaishnavi d/o Ashok Thote @
Vaishnavi w/o Govind Shinde

... **PETITIONER**

VERSUS

1. The State of Maharashtra,
through its Secretary,
Department of Women and
Child Development, Mantralaya, Mumbai.
2. The Chief Executive officer,
Zilla Parishad, Chhatrapati Sambhajnagar,
Tal & Dist. Chhatrapati Sambhajnagar.
3. The Block Development Officer,
Panchyatsamiti, Paithan, Tal Paithan
Dist. Chhatrapati Sambhajnagar.
4. The Child Development Project Officer
Integrated Child Development Services,
Paithan, Tal Paithan
Dist. Chhatrapati Sambhajnagar

... **RESPONDENTS**

...

Advocate for the Petitioner : Mr. Gaikwad Amol Ratan

AGP for Respondents: Mr. R.K. Ingole

Advocate for Respondents No.2 to 4: Mr. Nangare Prashant R.

...

**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 27.02.2025

PER COURT:

The petitioner who has participated in the recruitment process for the post of 'Helper' in the Anganwadi Kendra at Pusegaon, Tq. Paithan was a candidate at serial no.3 of the select list. Since the first two candidates were found to be not eligible being not residents of the revenue village, they were not appointed. The appeal preferred by the

candidate at serial no.2 was dismissed on 23.04.2024. It was expressly directed that since the first two candidates were not eligible, the appointment shall be given to the third candidate. The petitioner being the third candidate was waiting for the order of appointment. Her representations addressed to the respondents did not yield any fruit. Hence this petition.

2. The learned advocate for respondents No.2 to 4 tenders across the bar affidavit-in-reply. He adverts our attention to the stand being taken in paragraph No.3, wherein, it has been indicated that even the petitioner is not eligible to the post being not the resident of the revenue village, which fact is specifically denied by the learned advocate for the petitioner by stating that her native Kherda and the place at which she is seeking appointment, Pusegaon fall under the same revenue village.

3. The fact remains that without responding to the petitioner's representation and without any intimation to her, respondents No.2 to 4 have simply ignored her claim for appointment being a candidate at serial no.3 and have now proceeded to undertake a recruitment process afresh by publishing an advertisement dated 10.02.2025. In our considered view, without there being any decision/intimation about eligibility or otherwise of the petitioner, under the spacious plea that she is not eligible, a fresh recruitment process has been undertaken, which the respondents could not have legally done.

4. Though the learned advocate for the petitioner points out from the decision of a coordinate division bench in the matter of **Sunita Vs. the Zilla Parishad and Ors.; 2014 (4) ALL M.R. 827** that in a similar set of fact this Court had held the petitioner therein entitled to the appointment, in our considered view, it would be appropriate that respondent No.4 is called upon to take a decision after hearing the petitioner and depending upon the result, keeping open the avenue to approach the Court again to the petitioner.

5. We allow the writ petition partly. We direct the respondent No.4 to consider the petitioner's representation/application dated 04.12.2024 (page No.28), as expeditiously as possible and in any case within two weeks. The fresh recruitment process being undertaken shall stand stayed till respondent No.2 takes a decision and communicates it to the petitioner. Liberty granted to the petitioner, in case needed, to file a fresh writ petition.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

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