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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 WRIT PETITION NO. 2793 OF 2025

VARSHA GOPAL PATIL AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

Mr.Shrikant S.Patil, Advocate for the petitioners.

Mr.M.K.Goyanka, AGP for the respondent/State.

Mr.S.R.Dheple, Advocate for respondent Nos. 3 to 12.

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

DATE : FEBRUARY 26, 2025

PER COURT :

1. The petitioners are taking exception to the Government Resolution dated 02.02.2023 to the extent of clause 1(c) which enables the candidate, who has been serving for minimum 2 years, to be appointed directly as 'Anganwadi Sevika' if otherwise she possesses the requisite qualification.

2. The learned Advocate for the petitioners submits that the clause is arbitrary. The petitioners are still to complete 2 years and would not be eligible to derive any benefit under that clause. It is only

for the persons who have already gathered that much of experience, would now be considered for direct appointment. The GR has been issued abruptly and which works to the prejudice of the petitioners and similarly placed candidates. He would also submit that according to the same GR, the educational criteria provided for all the 3 posts namely '*Anganwadi Sevika*', '*Mini Anganwadi Sevika*' and '*Madatnis*', is the same viz. 12th standard pass or equivalent. He would submit that if minimum educational qualification for all the 3 posts is the same, merely by putting in 2 years of experience, anybody would be eligible to be appointed as '*Anganwadi Sevika*'.

3. In our considered view, it is a matter of policy. The Government Resolution dated 02.02.2023 provides for all the modalities including the educational qualification, age, eligibility etc. in the matter of recruitment to the aforementioned 3 posts in supersession of earlier 3 Grs. If it is a matter of making eligible a candidate who is educationally qualified, to be considered for the post of '*Anganwadi Sevika*', based on the previous experience that *ipso facto* can not lead to any inference of arbitrariness. It may be that unfortunately for the petitioners or similarly placed candidates, that

this clause providing for experience, has been inserted for the first time and they are not able to derive its benefits having not put in the requisite service. However, till the time it is not demonstrated that such change in the policy was done with an ulterior intention of depriving the petitioners, merely because they are unable to derive the benefits, they cannot claim that the clause is arbitrary.

4. If it is a matter of service as 'Anganwadi Sevika', which is typical. No fault can be found with the policy giving weightage for the previous experience in the direct appointment.

5. We are not inclined to entertain the petition. It is dismissed.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)