



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3345 OF 2025

1. Amrapali Siddharth Khade,
Age: 30 years, Occu.: Service,
R/o: Talegaon, Ghansavangi, District Jalna.
2. Chaitali Vinod Amolik,
Age: 29 years, Occu.: Service,
R/o: Valadgaon, Tq. Shrirampur, District Ahilyanagar.
3. Puja Devidas Chaudhari,
Age: 27 years, Occu.: Service,
Jawaharwadi Eklahare, Tq. Shrirampur,
District Ahilyanagar.
4. Anita Ajay Sabale, Age: 31 years,
Occu.: Service, R/o: Bhagur,
Tq. Shevgaon, Dist. Ahilyanagar.
5. Harsha Raosaheb Kachare,
Age: 28 years, Occu.: Business,
R/o: At Post Muli, Tq. Gangakhed,
District Parbhani.
6. Jyoti Kamalsing Pawara,
Age: 29 years, Occu.: Service,
R/o: Rohini, Tq. Shirpur, District Dhule.
7. Rakhi Bajirao Khillare,
Age: 29 years, Occu.: Service,
R/o: At Post Chuncha, Tq. Kalamnuri,
District Hingoli.
8. Jyoti Sukhdeo Ingle, Age: 35 years,
Occu.: Service, R/o: Bharaj Khurd,
Tq. Jafrabad, Dist. Jalna.
9. Ashvini Sandip Gaikwad,
Age: 28 years, Occu.: Service,
R/o: Nalgir, Tq. Udgir, District Latur.
10. Vaishali Sagar Ghode,
Age: 24 years, Occu.: Service,
R/o: Bhilali, Tq. Amalner, District Jalgaon.

11. Bhagyashri Pralhad Thombare,
Age: 32 years, Occu.: Service,
R/o: At Post Aaranga (Phata),
Tq. Kalmnuri, District Hingoli
12. Puja Anil Kolhe, Age: 25 years,
Occu.: Service, R/o: Shahar Takali,
Tq. Shevgaon, District Ahilyanagar
13. Rajkanya Hanumant Deshmukh,
Age: 29 years, Occu.: Service,
R/o: Massajog, Tq. Kaij, District Beed.

... PETITIONERS

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Women and Child Welfare Department,
Mantralaya, Mumbai – 32.
2. The Chief Executive Officer,
Zilla Parishad, Ahilyanagar,
District Ahilyanagar
3. The Child Development Project Officer,
Integrated Child Development Services
Scheme Program, Shrirampur,
Tq. Shrirampur, District Ahilyanagar.
4. The Child Development Project Officer,
Integrated Child Development Services
Scheme Program, Shevgaon, Tq. Shevgaon,
District Ahilyanagar.
5. The Chief Executive Officer,
Zilla Parishad, Jalna, District Jalna.
6. The Child Development Project Officer,
Integrated Child Development Services
Scheme Program, Ghansavangi, Tq.
Ghansavangi, District Jalna.
7. The Child Development Project Officer,
Integrated Child Development Services
Scheme Program, Jafrabad, Tq. Jafrabad,
District Jalna.
8. The Chief Executive Officer,
Zilla Parishad, Parbhani, District Parbhani.
9. The Child Development Project Officer,
Integrated Child Development Services
Scheme Program, Gangakhed, Tq.

Gangakhed, District Parbhani

10. The Chief Executive Officer,
Zilla Parishad, Dhule, District Dhule.
11. The Child Development Project Officer,
Integrated Child Development Services
Scheme Program, Shirpur, Tq. Shirpur,
District Dhule.
12. The Chief Executive Officer,
Zilla Parishad, Hingoli, District Hingoli.
13. The Child Development Project Officer,
Integrated Child Development Services
Scheme Program, Kalamnuri,
Tq. Kalamnuri, District Hingoli.
14. The Chief Executive Officer,
Zilla Parishad, Latur, District Latur.
15. The Child Development Project Officer,
Integrated Child Development Services
Scheme Program, Udgir, Tq. Udgir, District Latur.
16. The Chief Executive Officer,
Zilla Parishad, Jalgaon, District Jalgaon.
17. The Child Development Project Officer,
Integrated Child Development Services
Scheme Program, Amalner, Tq. Amalner,
District Jalgaon.
18. The Chief Executive Officer,
Zilla Parishad, Beed, District Beed.
19. The Child Development Project Officer,
Integrated Child Development Services
Scheme Program, Kaij, Tq. Kaij,
District Beed.

... RESPONDENTS

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Mr. Yogesh B. Bolkar, Advocate for Petitioners
Ms. V.N. Patil-Jadhav, A.G.P. for Respondent no. 1.
Mr. S.B. Pulkundwar, Advocate for Respondent nos. 2 to 4, 12, 13
Mr. V. M. Vibhute, Advocate for Respondent nos. 5 to 7
Mr. S.R. Yadav, Advocate for Respondent nos. 8 and 9
Mr. N.N. Desale, Advocate for Respondent nos. 10 and 11
Mr. S.B. Ghute, Advocate for Respondent nos. 12 to 15
Mr. V. V. Gujar, Advocate for Respondent nos. 16 & 17
Mr. P.D. Suryawanshi, Advocate for Respondent nos. 18 and 19.

CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.
DATE : 21.03.2025

JUDGMENT : (MANGESH S. PATIL, J.)

Heard the learned advocate Mr. Bolkar for the petitioners.

2. Rule. Rule is made returnable forthwith. The learned A.G.P. waives service for respondent no. 1. Learned advocates for other respondents also waive service. At the joint request of the parties, the matter is heard finally at the stage of admission.

3. The petitioners belong to Scheduled Caste/Scheduled Tribe and OBC categories. They have participated in the recruitment process undertaken by the respective Zilla Parishads under the *Integrated Child Development Services Schemes* for selection and appointment of Anganwadi Sevikas, Mini Anganwadi Sevikas and Madatnis (helper). Having not been able to get selected, they are before us. According to them the Human and Child Welfare Department of the State of Maharashtra dated 02.02.2023 (**Exh. C**), resolved that in the matter of allotment of marks under various heads to the candidates from reserved categories in the selection process. Scheduled caste and scheduled tribe candidates will have 10 additional marks and the candidates from Other Backward Classes, Vimukta Jaties and Nomadic Tribes categories, Special Backward Classes would have 05 additional marks. However, by the impugned resolution dated 30.01.2025, decision has been taken to reduce these marks from 10 to 5 and from 5 to 3. This decision is arbitrary, has no rationale nexus with the object with which the decision was taken to award additional marks and hence they have put up a challenge and are seeking declaration that the resolution dated 30.01.2025 is null and void with a further direction in the nature of mandamus to restore the marks awardable under the Government resolution dated 02.02.2023.

4. Respondent no. 1 has filed affidavit in reply. It has not been disputed that by the impugned Government resolution marks have been reduced, however, it has been mentioned that the scheme of Anganwadi workers has

been floated for effective implementation of 'Integrated Child Development Schemes' as per the guidelines of this Union Government in the matter of process of selection of Anganwadi workers and helpers recruitment process are being undertaken for many years. Several times amendments have been made in the recruitment guidelines depending upon the need. It is not that such change in the policy is happening for the first time. It has also been mentioned that the impugned Government resolution dated 30.01.2025 resorts to the change in the marking system considering following factors:

- (a) As per the National Education Policy 2022, Anganwadi Sevika and Madatnis should be well educated to provide better pre-education at Anganwadi centres.
- (b) Different types of trainings are provided to Anganwadi Workers.
- (c) Anganwadi workers have to fill up the data regarding supplementary nutrition, growth monitoring etc. on the Poshan Tracker application.

5. The learned advocate Mr. Bolkar for the petitioner fairly concedes the fact that considering the over all marks scored by each of the petitioners, since there are only one post of Anganwadi Sevika in each of the places, for which the petitioners had applied, except petitioner no. 1 Amrapali Siddharth Khade and petitioner no. 5-Harsha Raosaheb Kachare, the rest of the petitioners will have no chance of selection even if they are awarded additional marks as per the Government resolution dated 02.02.2023.

6. So far as petitioner no. 1 is concerned, Mr. Bolkar would take us through the merit list of candidates, who had applied for the post of Anganwadi Sevika for village Talegaon. He would submit that petitioner no. 1 stands at Sr. No. 2 and her aggregate marks are 67, whereas the candidate at Sr. No. 1 has scored 70 marks. If the additional marks are restored to 10, petitioner no. 1 will get additional 05 marks, making her total at 72. The candidate at Sr. No. 1 belongs to nomadic tribe and even if

simultaneously, like petitioner no. 1, she gets additional 02 marks, there would be tie as both would be at 72 marks each and according to the policy since the petitioner no. 1 is elder she would get selected.

7. So far as petitioner no. 5 is concerned, he would submit that being a scheduled caste candidate if she gets 05 additional marks her aggregate marks would be 72. Though she is at Sr. No.3 and the other two candidates above her have scored 70 marks, the candidate at Sr. No. 1 belongs to SEBC and would get additional 02 marks making her aggregate 72. Again, going by the scheme and the recruitment regulations, she being aged 28 years and the candidate at Sr. no. 1 being aged 22 years, the former would get the preference. He would thus submit that change in the form of reduction of grace marks, which were awardable under the Government resolution dated 02.02.2023, by the impugned Government resolution, is arbitrary and subjects the petitioner no. 1 and 5 to a grave prejudice and therefore the impugned resolution dated 30.01.2025 deserves to be quashed and set aside being arbitrary. He would rely upon the decision in the matter of **Satya Dev Bhagaur and others Vs. State of Rajasthan and others; (2022) 5 Supreme Court Cases 314.**

8. The learned A.G.P. would submit that allotment of grace marks to reserve category candidates is a matter of policy. For the reasons that were prevailing at the relevant time, the decision was taken in the form of Government resolution dated 02.02.2023 for allotment of grace marks ranging between 10 and 5. For the reasons mentioned in the affidavit in reply, in order to attract more qualified eligible candidates in order to implement the programmes under various child development schemes, it was thought appropriate to reduce the marks from 10 to 5 and from 5 to 3. It is a matter of policy. This Court in exercise of powers under Article 226 of the Constitution of India cannot embark upon any enquiry into such decision. It is not the matter of discrimination. All the students across reserve categories would stand on the same footings. There is no reservation

policy in the appointment of Anganwadi Sevikas. The candidates are selected purely on the basis of merit. It is only with a view to offer an opportunity in the public employment that reserve category candidates have been granted grace marks while undertaking assessment from and out of 100 marks. There is no arbitrariness. The petitioners have participated in the selection process after the impugned government resolution was issued with open eyes and cannot be permitted to revert back and question the process and the policy.

9. We have considered the rival submissions and perused the papers. At the outset, it is necessary to reiterate that this Court in exercise of the powers under Article 226 of the Constitution of India has inherent limitation when it comes to scrutiny of policy matters. Even the decision in **Satya Dev Bhagaur (supra)** reiterates this trite legal position.

10. True it is that **Satya Dev Bhagaur (supra)** also craves out an exception to this principle and states that possibly if the policy is found to be palpably discriminatory and arbitrary, even judicial review can be undertaken of such policies. Para no. 15 reads as under:

“15. It is trite that the Courts would be slow in interfering in the policy matters, unless the policy is found to be palpably discriminatory and arbitrary. This Court would not interfere with the policy decision when a State is in a position to point out that there is intelligible differentia in application of policy and that such intelligible differentia has a nexus with the object sought to be achieved.”

11. Applying these parameters, it is imperative that there has to be some substance to demonstrate that such shift in the policy by the impugned Government resolution dated 30.01.2025 is palpably arbitrary or does not demonstrate any nexus with the object sought to be achieved.

12. Admittedly, in the matter of selection of Anganwadi Sevika, Mini Anganwadi Sevika and Helpers, the selection is done based on a marking

system. The merit list is prepared based on the marks allotted in accordance with the consistent policy. Marks are allotted depending upon the percentage of marks scored in the 12th standard, ranging between 35 to 60 candidates are awarded 10 marks. Post graduates get 04 marks, D.Ed., B.Ed. and MSCIT pass candidates get 02 marks each. Over and above these 80 marks, reserve category candidates get additional marks ranging from 3 to 5. Scheduled Caste and Scheduled Tribe candidates get 05 marks, whereas Other reserve categories in vertical reservation get 03 marks by the impugned Government resolution. Meaning thereby that a reserve category candidate who used to get grace marks between 5 to 10 in the earlier policy, has been reduced to 3 and 5 respectively.

13. As is mentioned herein above, in the affidavit in reply it has been expressly stated that in order to have a well educated Anganwadi Sevikas as per the National Education Policy 2022, in light of the fact that Anganwadi workers are required to be imparted training as they have to fill up data regarding supplementary nutrition, growth monitoring etc. on the Poshan Tracker Application, it was felt that such grace marks should be reduced. There is no demur to such stand in the affidavit in reply.

14. In our considered view, in the absence of any challenge to such objective being demonstrated as a foundation for issuance of the impugned Government resolution when the grace marks have been reduced by 2% and 5% of the aggregate, in the matter is squarely covered by the well recognized principle laid down in the matter of **Satya Dev Bhagaur (supra)**. The decision to reduce the marks, in our considered view with such meager percentage cannot be said to be palpably discriminatory and arbitrary. Respondent no. 1 in the affidavit in reply has explained the rationale behind shift in the policy in the matter of awarding of the grace marks. In our considered view, the judicial review of virus and sustainability of the impugned Government resolution dated 30.01.2025, in the facts and circumstances is not legally possible.

15. There is one more aspect. It is apparent that the petitioners are taking chances. The impugned government resolution was published on 30.01.2025. Admittedly, the advertisement was published thereafter. The petitioners had participated in the selection process. Only after the merit lists were published and noticing that they had failed in the selection process that the petition has been filed. In our considered view, this would be an additional circumstance justifying our decision not to cause any interference in the selection process.

16. The writ petition is dismissed. Rule is discharged.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

mkd/-