



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

4 WRIT PETITION NO. 4542 OF 2011

SANGITA ULHAS GADILKAR
VERSUS
THE STATE OF MAH AND ORS

Mr.S.S. Jadhavar, Advocate for the petitioner.
Mr.K.B. Jadhavar, AGP for respondent Nos. 1 and 2/State.
Mr.Shivaji T. Shelke, Advocate for respondent Nos. 3 and 4.
Mr.N.B. Narwade, Advocate for respondent No.5.

CORAM : KISHORE C. SANT, J.
DATE : 29.01.2025

PC :-

01. Heard learned Advocates for the parties. Respondent No.4 is personally present in the Court.

02. This petition was mainly entertained in view of the ground raised in the petition that the Divisional Commissioner has no jurisdiction to entertain the appeal challenging the appointments in the Zilla Parishads. The issue was also referred in this very petition to the Full Bench. The issue referred was as under :-

“Whether, the Commissioner under Section 267-A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 has jurisdiction to set aside the appointment of Anganwadi Sevika/Madatnis made pursuant to the recommendation of the Selection Committee constituted under the Integrated Child Development Scheme?”

03. Now the issue is answered that the Divisional Commissioner has no jurisdiction to set aside the appointment of Anganwadi Sevika/Madatnis made pursuant to recommendation of the Selection Committee constituted under the Integrated Child Development Scheme, under section 267-A of the Maharashtra Zilla Parishads and Panchayat Samitis Act. In view of the same, it is clear that the order impugned in this petition is passed without jurisdiction and the same deserves to be set aside. In view of the same, the writ petition deserves to be allowed.

04. The writ petition is allowed in terms of prayer clause (B).

05. Remedies to respondent No.5 are kept open. The petitioner is at liberty to pursue the matter for back wages before the appropriate authority.

[KISHORE C. SANT, J.]