



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

**WRIT PETITION NO. 7395 OF 2024**

Smt. Aakansha w/o Maneshkumar Hemke  
@ Aakansha d/o Subhash Lahamge,  
Age: 21 Yrs., Occu. Household,  
R/o Bahiregaon Sutgirni,  
Tq. Ghansawangi Dist. Jalna.

**.....PETITIONER**

***VERSUS***

1. The State of Maharashtra,  
Through its Principal Secretary,  
Women and Child Development Dept.  
Mantralaya, Mumbai-400 032
2. Additional Commissioner No.1,  
Chhatrapati Sambhajnagar.
3. Chief Executive Officer,  
Zilla Parishad, Jalna.
4. Deputy Chief Executive Officer,  
(Women & Child Welfare),  
Zilla Parishad, Jalna.
5. Child Development Project  
Officer, Integrated Child  
Development Services Project,  
No.2, Ghansawangi, Ambad,  
Tq. Ambad, Dist. Jalna.

**.....RESPONDENTS**

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Mr. S. S. Thombre, Advocate for the Petitioner  
Mr. B. B. Bhise, AGP for Respondents-State  
Mr. S. M. Ganachari, Advocate for Respondent nos.3 to 5

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**CORAM : ROHIT W. JOSHI, J.**

**DATED : 23<sup>RD</sup> JULY, 2025**

**ORAL JUDGMENT :-**

. The petitioner had participated in the selection process for appointment of Anganwadi Sevika in Anganwadi at village Bahiregaon for Anganwadi named Sutgirni within the limits of Gram Panchayat and Village Bahiregaon.

2. In the advertisement, the name of village was mentioned as Bahirgadh. However, it is undisputed that the name of the village Bahirgadh as is mentioned in the advertisement is incorrect and the correct name of the village is Bahiregaon. During the course of hearing, since the learned Counsel for the petitioner has raised a contention that there was a mistake in mentioning the name of the village, as aforesaid, the learned AGP was directed to seek instructions from the authority in this regard. In response, the learned AGP has placed on record communications dated 14.07.2025, issued by the Tahsildar, Ghansavangi and Block Development Officer, Class-I, Ghansavangi, who have stated that the correct name of the village is Bahiregaon and not Bahirgadh. The Block Development Officer has further stated that there is no

village by the name Bahiregadh in Ghansavangi Tahsil.

3. In all, four candidates have participated in the said selection process. One Neeta Londhe stood first in the order of merit and was shortlisted for the appointment to the post. However, her candidature was challenged by the present petitioner, who is ranked at serial no.2 in the merit list. It is undisputed that the appeal filed by the petitioner questioning the selection and appointment of the candidate at serial no.1, Neeta Londhe was allowed and the appointment of the said candidate Neeta Londhe is cancelled. It is undisputed that this Neeta Londhe has not challenged the cancellation of her appointment.

4. The petitioner contends that in view of termination of service of the candidate at serial no.1, she had made an application praying that appointment order be issued in her favour since she was ranked at serial no.2. However, the Chief Executive Officer passed order dated 30.09.2022 recording that on an inquiry in the matter, it was found that all the four candidates were ineligible and therefore, the post should be re-advertised as per the concerned government resolution dated 13.08.2014. This order dated 30.09.2022 was assailed

by the present petitioner by filing appeal before the Additional Divisional Commissioner. The said appeal came to be dismissed vide order dated 26.03.2024.

5. It will be pertinent to mention that one of the conditions of eligibility for appointment to the post is that the candidate must be a resident of the village in which Anganwadi is located. The advertisement further clarifies that in case the Gram Panchayat is a group Gram Panchayat for more than one villages, then the candidate must be a resident of concerned village and residence within the limits of Gram Panchayat will not make her eligible for participation in the selection process.

6. The Chief Executive Officer held that the petitioner was not eligible on the ground that she was not a resident of Sutgirni, i.e. the advertised location in which Anganwadi was situated. The petitioner filed appeal challenging the said order. The Appellate Authority has observed that the name of appellant was recorded in the voter list of village Bhadregaon and that she had not filed any property document to demonstrate that she was a resident of village Bahiregaon. On this basis, the Appellate Authority has arrived at conclusion

that the residence certificate was obtained only for the purpose of securing employment.

7. Perusal of record will demonstrate that the petitioner has stated in the application form that she belongs to NT category. The petitioner has produced caste certificate dated 27.07.2015 on record in which, her place of residence is mentioned as village Bahiregaon. The caste certificate refers to five documents filed by the petitioner for securing the same. The Appellate Authority has not adverted to the caste certificate of the petitioner while disbelieving the residence certificate. The caste certificate of the petitioner is not disbelieved. The caste certificate is of the year 2013 and the application is filed in the year 2021. The residence certificate at page 25 of the petition is dated 17.10.2016.

8. The finding that residence certificate was obtained for the purpose of securing employment cannot be upheld unless it is held to be a fake document. Such is not the finding recorded by the Appellate Authority. Likewise, the caste certificate dated 27.07.2015 is also not considered by the Appellate Authority.

9. In view of the aforesaid, it needs to be stated that the

Appellate Authority has decided the matter without advertent entire material on record. In that view of the matter it will be appropriate to quash the order passed by the Appellate Authority and to remand the matter back for deciding the appeal afresh by taking into consideration the entire documentary evidence on record. The Writ Petition is partly allowed by quashing and setting aside order dated 26.03.2024, passed by the Additional Divisional Commissioner, Chhatrapati Sambhajnagar, in Case No.2022/DB/Anganwadi/Appeal-1/CR-220 and directing the Appellate Authority to decide the said appeal afresh by taking into consideration entire material on record. The the Additional Divisional Commissioner, Chhatrapati Sambhajnagar is directed to decide the appeal as expeditiously as possible and in any case before 30.09.2025.

10. Writ Petition is disposed of.

11. Civil Application, if any, stands disposed of.

( ROHIT W. JOSHI, J. )