



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7814 OF 2024

Dipali Vishal Thakane,
Age 21 years Occu. Household,
R/o Village Sonvad Bk.,
Taluka Dharangaon, District Jalgaon.

Petitioner

Versus

1. The State of Maharashtra
2. The Divisional Commissioner,
Nashik Division, Nashik.
3. The Ld. Chief Executive Officer,
Zilla Parishad, Jalgaon.
4. The Project Officer Child Development
Ekatmik Balvikas Seva Yojana Prakalp,
Dharangaon, Taluka – Dharangaon, District Jalgaon.
5. Yogita Mayur Bhoi
Age 22 years, Occ. : Household,
R/o Village Sonvad Bk.,
Taluka Dharangaon District Jalgaon.

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Mr. Jitendra Vijay Patil, Advocate for petitioner
Mr. S.R. Dheple, Advocate for respondent Nos. 3 and 4
Mr. Chandrakant P. Patil, Advocate for respondent No.5
Mr. N.S. Tekale, AGP for respondent No.1 State.

CORAM : MEHROZ K. PATHAN, J.

RESERVED ON : 3.10.2025
PRONOUNCED ON : 17.10.2025.

ORDER :-

1. The petitioner has filed present petition, thereby praying for quashing and setting aside the order passed by the Chief Executive Officer, Zilla Parishad, Jalna, dated 21.2.2024 in Appeal No. 12 of 2023

and the subsequent order dated 3.5.2024 passed by the Divisional Commissioner, Nasik.

2. Facts in brief, are as under :-

(i) Pursuant to advertisement dated 1.6.2023, the petitioner applied for the post of Anganwadi Sevika for village Sonwad (Bk.) The Government Resolution dated 2.5.2023 lays down the guidelines for recruitment of the Anganwadi Workers. There is a specific condition in Clause (2)(b) of GR dated 2.5.2023, which provides that the post which is advertised shall be filled in from the candidate who belongs to the village. The petitioner has submitted the form showing Sonwad (Bk.) as her village and, therefore, applied for the post of Anganwadi Assistant from village Songaon Bk. The petitioner also obtained a Residence Certificate issued by the Gram Sevak, Gram Panchayat, Songaon (BK. The Aadhar Card also shows the petitioner to be resident of village Sonwad (BK.) and as such, the petitioner came to be selected first in merit in the Select List dated 6.7.2023 issued by the Selection Committee of the Zilla Parishad.

(ii) The respondent No.5 had submitted a complaint to the Project Officer, thereby objecting to the selection of the petitioner from village Sonwad (Bk.) alleging that she is not a resident of the said village. The Project Officer, then asked the Sarpanch and Gram Sevak of Gram Panchayat Sonwad (Bk.) to call for a meeting of the Gram Sabha clarifying on the point of residence of petitioner Dipali Dhakne, who was to be appointed as Anganwadi Assistant in village Sonwad (Bk.)

(iii) The Sarpanch had thereafter convened a Gram Sabha on 24.8.2023 and after a detailed discussion on the agenda about the residence of the petitioner, it was decided that the petitioner cannot be

considered to be the resident of Village Sonwad (Bk.) as she was neither permanent native nor permanent resident of village Sonwad (Bk.)

(iv) The Project Officer had, therefore, published a Revised List and appointed the respondent No.5 who was the second candidate in the select list for Sonwad (Bk.) and rejected the claim of the petitioner, who had obtained more marks than the respondent No.5, on the ground that respondent No.5 belongs to the said village.

3. The learned counsel for the petitioner, Shri Jitendra Patil, submits that though the petitioner has submitted relevant documents showing that she was resident of village Sonwad (Bk.) the Project Officer, failed to consider the same. The petitioner got married with one Vishal Thakne, who is the resident of the said village Sonwad (BK.) and at least, at the time of recruitment, she was already residing in the village and had also produced one rent agreement to show that she was resident of the said village. It is, therefore, submitted that both the authorities below have failed to consider the said fact and have wrongly come to the conclusion that the petitioner was not resident of Sonwad (Bk.). The counsel for petitioner submits that the impugned orders are thus liable to be quashed and set aside with direction to the respondent to appoint the petitioner as Anganwadi Assistant in place of respondent No.5, as the petitioner has secured 70 marks overall in the assessment and respondent No.5 only secured 55 marks. It is the submission of learned counsel for the petitioner that permanent residence of the village would mean that even if at one point of time, the petitioner is found to be resident of Village Sonwad (Bk.) the same is sufficient enough to uphold the right to be appointed as Anganwadi Assistant in the said village, having fulfilled the said eligibility criteria. The condition No.2 being there, cannot be stretched to such an extent so as to oust the claim of the petitioner who was earlier resident of said village and thereafter, shifted to some other

village of his father. The petitioner was again married in the said village and is residing alongwith in laws and ought to have been considered as resident of village. The approach of the Chief Executive Officer and Divisional Commissioner thereby dismissing the appeal is, therefore, pedantic and liable to be interfered with, by this Court under its extraordinary jurisdiction under Article 227 of the Constitution of India.

4. It is further submission of the counsel for the petitioner that the Gram Sabha is not the authority to decide upon the residence of the petitioner. The documents submitted by the petitioner were sufficient enough to show the proof of residence of the petitioner. It is further submitted that even in the Resolution dated 24.8.2023, passed by the Gram Sabha, it found the petitioner to be resident of village Sonwad (Bk.) for some time. However, it is further observed by the Gram Sabha in its meeting dated 24.8.2023 that as on date the petitioner was resident of village Paldhi (Khurd). It is, therefore, submitted that it is not as if petitioner has never been resident of village Sonwad (Bk.). The documents like Ration Card and Aadhar Card clearly shows the petitioner to be resident of said village . As such, the impugned orders are liable to be quashed and set aside and the petitioner may be directed to be appointed on the post of Anganwadi Assistant for village Sonwad (Bk.).

5. As against this, counsel for respondent NO.5 submits that the Certificate issued by the Gram Sevak of village Sonwad (Bk.) dated 27.9.2023 would show difference in the signature of Gram Sevak and there is a serious doubt about the issuance of such certificate by the Gram Sevak. The Gram Sevak of the said village has issued another letter, stating that the petitioner is not a resident of said village Sonwad (Bk.) as can be seen from the subsequent certificate issued by the Gram Sevak dated 12.12.2023. It is further submitted that the Gram Sabha had rightly found that the petitioner is not a permanent resident of said

village which is one of the basic conditions for appointment on the post of Anganwadi Assistant, as per the Government Resolution dated 2.2.2023, which governs the recruitment of Anganwadi Workers.

6. The learned counsel for the respondent No.5 further submits that the Chief Executive Officer, while deciding the appeal of the petitioner has specifically observed that the petitioner has failed to submit the documents like Gas connection, rent agreement, electricity bill, water tax, Gram Panchayat tax, for the last one year. It is further submitted that the rent agreement which is submitted by the petitioner was also not of the same period, for which the advertisement was issued. It is, therefore, submitted that the agreement which is dated 9.1.2023 is post recruitment and said fact is also considered by the Divisional Commissioner in its order dated 3.5.2024.

The ration card shows that the father in law of the petitioner – Nagindas was a resident of said village Sonwad (Bk.) and does not prove that the petitioner was resident of the said village. The statement of father in law of the petitioner would show that the family of the father in law had also shifted to village Paldhi (Bk.) and they have falsely stated about the residence of the petitioner and her husband at Sonwad (Bk.) to be staying in the said village on rent. The contention of petitioner was therefore rejected by both the authorities below.

9. The decision to cancel the appointment of the petitioner is taken after adopting proper procedure by calling the Gram Sabha which had independently inquired into the matter and thereafter, passed a resolution stating about the temporary stay of the petitioner in the said village, and the petitioner cannot be termed to be a native of village Sonwad (Bk.) nor a permanent resident of said village. The impugned order, is therefore, required to be maintained. The counsel for respondent

therefore prays for dismissal of the writ petition.

10. I have considered the rival submissions, and the impugned orders and after going through the record, it is found that the petitioner initially applied for appointment to the post of Anganwadi Assistant in pursuance to the advertisement dated 1.6.2023. The petitioner has submitted various documents to show that the petitioner was permanent resident of the said village. The petitioner has also submitted one certificate allegedly issued by the Gram Sevak which shows her to be the resident of village. On the basis of said document, the petitioner got selected at Sr. No.1 having scored 70 marks. Respondent No.5 had filed complaint stating the petitioner is not resident of said village Sonwad (Bk.) The Project Officer, therefore, directed the Sarpanch to conduct a Gram Sabha on the agenda to decide the issue of residence of the petitioner, who got selected as Angawadi Assistant. The Gram Sabha has conducted a meeting on 24.8.2023 and has resolved that the petitioner was not a resident of said village.

11. In my view, the procedure adopted by the Project Officer for calling the Gram Sabha to decide the issue about the residence of the petitioner cannot be faulted with inasmuch as, one of the conditions for recruitment as Anganwadi Assistants is that the candidate should be a permanent resident of the village in which the Post of Anganwadi Assistant is to be filled.

12. Anganwadi Workers are health workers of the village who are required to be permanent resident of the village, for in case of any emergency they are found in the village, helping the patients rather than the ones who are not residents of the village would be required to go back to the village after the duty hours. With this objective the scheme is formulated by the State Government putting a condition to be a resident

of the village as a mandatory condition. The petitioner, though, had submitted the documents to show that she was the permanent resident of the village, Gram Sambha, which consists of the villagers' Committee, in its meeting dated 24.08.2023 consisting of 115 members of the village, has resolved by majority that the petitioner is not the resident of the village and used to reside in the village for some time due to father's duty in the village. The petitioner's family is found to be permanent resident of village Paldhi (Bk.). Thus, the course adopted by the authorities to verify the correctness of the claim of the petitioner cannot be said to be arbitrary so as to call for an interference of this Court. The appeal challenging the order passed by the Chief Executive Officers was also considered on merits, after giving an opportunity to the petitioner of being heard in the matter. The Chief Executive Officer has specifically given a finding about the failure on the part of the petitioner to submit the necessary documents to prove her claim of being a permanent resident of the said village. The Divisional Commissioner also applied its mind to the grounds raised by the petitioner in the appeal before him and dismissed the appeal.

13. In my view, therefore, the learned authorities below have considered the claim of the petitioner as per the record available with them and have arrived at proper conclusion. There is no error apparent on the face of record or any material irregularity in the impugned orders. The impugned orders therefore deserve to be maintained. The petition is found to be devoid of any substance and merits. As such, the same is dismissed with no orders as to costs.

[MEHROZ K. PATHAN]
JUDGE

grt/-