



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

WRIT PETITION NO. 9388 OF 2025

Kondabai Baburao Acharya

VERSUS

The State Of Maharashtra Through Its Secretary And Others

Ms. M. R. Jamdhade, Advocate for petitioner

Mr. S. K. Tambe, Addl. GP for respondent Nos. 1 and 2/State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 14th October, 2025

PER COURT :-

1. Heard learned Advocate for the petitioner and learned Addl. GP for respondent Nos. 1 and 2.

2. Petitioner is serving as *Anganwadi Madatnis* at Andhori, Tq. Ahmedpur, Dist. Latur since 29.11.2008. It is stated that the post of *Anganwadi Sevika* at the said village came to be vacant due to the retirement of one Mangalabai Darshnand on 21.10.2024. The petitioner submitted application on 25.10.2024 to the respondent authorities for her promotion to the said post and the petitioner is relying on the Government Resolution dated 02.02.2023. However, without taking any decision on her application, the respondent No. 3 came to be appointed at the said place of *Anganwadi Sevika*. The claim of the petitioner is on the basis that she is a senior, the respondent No. 3 is not resident of the

same village, Andhori, the petitioner is a member of Scheduled Caste and fulfills the educational qualification and, therefore, she has prayed for Writ of mandamus to appoint her as *Anganwadi Sevika*.

3. Learned Additional GP points out that in the same Government Resolution dated 02.02.2023, the forum of two appeals has been provided. It is specifically stated that if there is any grievance in respect of selection of candidature for *Anganwadi Sevika, Madatnis and mini Anganwadi Sevika*, then the appeal/complaint has to be preferred within 30 days to the Chief Executive Officer, Zilla Parishad and Divisional Deputy Commissioner Woman and Child Development Department. If such person is aggrieved by the decision taken by that authority then the appeal can be preferred to the Divisional Commissioner, Revenue. If it is arising out of the Rural and Adivasi project and in respect of the other department then the appeal/complaint has to be preferred to the Commissioner, Child Development within 60 days. Therefore, when there is provision for complaint/appeal and second appeal then this Court shall not exercise its constitutional powers.

4. Upon those submissions and upon query, the learned Advocate for the petitioner seeks withdrawal of the petition to make a complaint/appeal of First Stage to the appropriate authority. Taking into consideration this statement, we allow the petitioner to withdraw the

petition with liberty as prayed. However, we suggest to the concerned authority that while dealing with the point of limitation, it should consider the pendency of this petition before this Court. We also direct the concerned authority to consider the pendency of the application by the petitioner dated 25.10.2024 and complaint dated 11.12.2024 before appropriate authority.

5. With the aforesaid observations, the writ petition stands disposed of as withdrawn.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi