



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

961 WRIT PETITION NO. 3463 OF 2019

SONIYA SACHIN PATIL

.. Petitioner

VERSUS

1. THE STATE OF MAHARASHTRA, THROUGH SECRETARY,
WOMEN AND CHILD DEVELOPMENT DEPARTMENT,
MANTRALAYA, MUMBAI-32
2. THE DIVISIONAL COMMISSIONER, NASHIK DIVISION,
NASHIK
3. THE CHIEF EXECUTIVE OFFICER, ZILLA PARISHAD,
JALGAON
4. THE DEPUTY CHIEF EXECUTIVE OFFICER, WOMEN AND
CHILD DEVELOPMENT DEPARTMENT, ZILLA PARISHAD,
JALGAON
5. THE CHILD DEVELOPMENT PROJECT OFFICER,
INTEGRATED CHILD DEVELOPMENT SCHEME, PAROLA,
TALUKA PAROLA, DISTRICT JALGAON

6. PINKY KANHAYALAL PATIL

.. Respondent

...

Advocate for the Petitioner : Mr. Ajay D. Pawar

AGP for Respondent/State: Mr. S. P. Joshi

Advocate for Respondent No.3: Mr. Sachin B. Munde

Advocate for Respondent No.6 :

Mr. Sunil Nimbalkar h/f. Mr. Punit S. Mehta

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CORAM : ARUN R. PEDNEKER, J.

DATE : 21.08.2025

PER COURT:

1. Heard.

2. The learned counsel for the petitioner submits that the petitioner challenges the impugned order dated 26.04.2018, passed by Respondent No.2 / The Divisional Commissioner, Nashik Division, Nashik, whereby the Divisional Commissioner was pleased to set aside the entire selection process of the post of Anganwadi Sevika of village Gadgaon, Taluka Parola, District Jalgaon, observing in the operative part of the impugned order, that the process of recruitment undertaken at the level of Respondent No.5 / The Child Development Project Officer, Integrated Child Development Scheme, Parola, Taluka Parola, District Jalgaon was without following the Rules and it is not a valid process and, as such, set aside the entire selection process and directed Respondent No.5 / authority to undertake the fresh selection process for the said post.

3. The learned counsel for the petitioner submits that the petitioner was appointed on the post of Anganwadi Sevika after following due process, on 14.11.2017. However, it was noticed that respondent no.6's caste certificate was not taken into consideration at the initial stage. As such, the caste certificate was taken into consideration and 10 marks were allotted to her and, accordingly, appointment of the petitioner is set aside and

respondent no.6 is appointed to the said post of Anganwadi Sevika, on 01.02.2018.

4. On the appeal preferred against the order in favour of respondent ho.6, before Respondent No.2 / The Divisional Commissioner, Nashik Division, Nashik, by the present petitioner, Respondent No.2 / The Divisional Commissioner, Nashik Division, Nashik, by virtue of the impugned order dated 26.04.2018 has set aside the entire selection process. As such, respondent no.6 was removed from the post of Anganwadi Sevika, on 17.05.2018.

5. The learned counsel appearing for the petitioner, so also, respondent no.6 submit that they have now become age barred for the selection process of the same post. They submits that Respondent No.2 / The Divisional Commissioner, Nashik Division, Nashik, ought to have considered their case on merits and ought to have either passed order in favour of the petitioner or in favour of respondent no.6; as they were appointed to the said post at the relevant time considering the material on record and their eligibility. By virtue of the impugned order, now, the petitioner and respondent no.6 has become age barred for the fresh selection process.

6. The learned AGP submits that on the said post no person is appointed till date.

7. Considering this aspect of the matter, the impugned order dated 26.04.2018 is quashed and set aside and the matter is remitted back to Respondent No.2 / The Divisional Commissioner, Nashik Division, Nashik. Respondent No.2 / The Divisional Commissioner, Nashik Division, Nashik, may consider, whether the petitioner or respondent no.6 can be appointed in terms of the material on record and considering the selection process. The State, so also, the Zilla Parishad would be entitled to make independent submissions. All contentions are left open in the matter.

Respondent No.2 / The Divisional Commissioner, Nashik Division, Nashik, shall decide the remitted matter i.e. *Anganwadi Sevika Padbharti Appeal No.00003/2018*, within a period of six (06) months from the receipt of the order of this court.

Parties shall appear before Respondent No.2 / The Divisional Commissioner, Nashik Division, Nashik, on 09.09.2025. Thereafter, Respondent No.2 / The Divisional Commissioner, Nashik Division, Nashik, shall give them further date/s at his convenience.

8. The Writ Petition stands disposed of accordingly.

[ARUN R. PEDNEKER, J.]

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