

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.10992 OF 2023**

Bebinada Gangadhar Kharate,  
Age-38 Years, Occu- Household,  
R/at- Sankh, Tal- Jat, Dist-Sangli.

... Petitioner

**Versus**

1. State of Maharashtra through  
Through its Secretary, Women and  
Child Development Department,  
Mantralaya, Mumbai, 32.
2. Chief Executive Officer, Zilha  
Parishad, Sangli. Office at Sangli.
3. Deputy Chief Executive Officer,  
(Child Welfare), Zilha Parishad,  
Sangli.
4. Chief Development Project officer,  
Integrated Child Development  
Service Scheme, Umadi, Tal- Jat,  
Dist-Sangli.
5. Block Development Officer,  
Panchayat Samiti, Jat, Tal-Jat, Dist-  
Sangli
6. Pallavi Santosh Waghmare,  
Age-21 Year, Occu- Housewife,  
R/at- Sankh, Tal- Jat, Dist-Sangli.
7. Priyanka Ganpati Desai,  
Age-22 Year, Occu-Housewife  
R/at- Sankh, Tal-Jat, Dist-Sangli.
8. Neha Rahul Marathe,

Age-22 Year, Occu- Housewife,  
R/at- Sankh, Tal- Jat, Dist-Sangli

... Respondents

Mr. Balasaheb G. Ligade for the Petitioner.  
Mr. Ratan L. Adhe i/b Mr. Pankaj Deokar for the Respondent Nos. 2 to 5.  
Mr. V. M. Mali, AGP for the State/Respondent No.1.

**CORAM : M. S. KARNIK &  
ASHWIN D. BHOBE, JJ.**

**DATE : 2<sup>nd</sup> APRIL, 2025**

**JUDGMENT (PER ASHWIN D. BHOBE, J.)**

1. **Rule.** Rule made returnable forthwith and heard finally by the consent of the parties.

2. By the present petition, filed under Article 226 of the Constitution of India, Petitioner questions disqualification of her candidature to the post of Anganwadi Madatnis and Minor helps for Jat Taluka (**Anganwadi Sevikas**). Petitioner has sought for the following substantial reliefs (a), (b), (c) as under:-

*a) Rule be issued, record and proceedings of the case be called for and after examining the legality, validity and propriety of the impugned fist list dated 24/7/2023 and final list dated 28.8.2023 issued by the Respondents, being Exhibit- D and I to this Petition be quashed and set aside;*

*b) That this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order and/or Direction in the nature of Mandamus, thereby directing the Respondents to issue fresh final list thereby including name of the Petitioner;*

*c) Pending hearing and final disposal of the present Writ Petition, this Hon'ble Court may pleased to pass appropriate order of injunction thereby directing Respondents not to issue final order in respect of the final list."*

**Factual Matrix:-**

3. On 23.06.2023, Respondent No.3 published advertisement (“**said advertisement**”) inviting applications from eligible candidates for the post of Anganwadi Sevikas, for the Jat Taluka. Total posts notified were 21 and all of them were reserved for women candidates. Age limit prescribed for candidates as on the cut off date i.e. 31.04.2023 was minimum 18 years with a outer limit of 35 years. Relaxation was granted up to 40 years to applicant who was a widow.

4. Petitioner was 38 years of age as on the cut off date. Petitioner satisfying the eligibility criteria as notified by the said advertisement, on 03.07.2023 applied for the said post under the category “widow”, claiming benefit of relaxation in the age limit.

5. Respondent No.3, upon scrutiny of the applications received pursuant to the said advertisement notified the first list dated 24.07.2023 of candidates who were found to be eligible for the said post. Petitioner was shown at Sr. No. 6, with the observation that Petitioner was disqualified on two grounds: firstly the Petitioner being overage and secondly on the ground of the original death certificate of Petitioner’s deceased husband was not attached to the application.

6. Dissatisfied by the disqualification of the Petitioner’s

candidature in the first list, Petitioner sought for the reasons from the Respondent Nos.1, 2 and 3 for not considering the Petitioner in the category “widow”.

7. Petitioner was orally informed that the death certificate submitted by the Petitioner was not in proper format and that there was a discrepancy in the name of the Petitioner’s husband.

Being aggrieved by the disqualification of her candidature, Petitioner is before this Court.

8. On 5<sup>th</sup> September, 2023, this Court passed the following order:

*“1. Leave to amend the cause title so as to join the persons who have been selected from Village Sankh, Tal. Jath, Dist. Sangli as party respondents is granted. Amendment be carried out within one month from today and thereafter issue notice for final disposal at the admission to the respondents. Learned AGP waives service of notice for Respondent No.1-State.*

*2. Meanwhile, having seen the scrutiny-sheet which shows that the applicant had applied in the category of widow, for which the upper age limit for appointment to the post of Anganwadi Helper was 40 years and also having considered the fact that the first merit list shows that the petitioner was, at the time of her application, 38 years old; we direct that if the appointment orders are not issued in respect of Village Sankh, Tal Jath, Dist. Sangli, the same shall not be issued till next date.*

*3. Stand over to 26<sup>th</sup> September, 2023”*

9. Respondent Nos. 2, 3 4 and 5 have filed affidavit in reply

dated 18.10.2024, opposing the petition. It is the case of the Respondents, that upon scrutiny of the Petitioner's application, despite the Petitioner being called upon to furnish the original death certificate of her late husband, the Petitioner failed to submit the original death certificate. That the Petitioner has subsequently submitted that an affidavit on Rs.100 stamp paper stating that husband was known as Mr. Gangadhar and Mr. Gangaram. Respondents contended that the death certificate relied by the Petitioner at Exh.H to the petition, depicts that the date of issuance of the certificate is 07.08.2023 whereas the application submitted by the Petitioner was on 03.07.2023. Respondents justified the Petitioner's disqualification on the ground of the Petitioner being overage and further on the ground of the Petitioner having failed to produce original death certificate.

**Submissions:-**

10. Mr. Balasaheb G. Ligade learned Advocate for the Petitioner has submitted that the Petitioner was duly qualified as on 03.07.2023, and as such the disqualification of the Petitioner was not proper. He submits that the application submitted by the Petitioner specifically recorded the Petitioner being a widow aged 38 years. By placing reliance on the death certificate at Exh.H of the paper book, he submits that the Petitioner was entitled to the relaxation of five years in

the category of widow. He further submits that the by way of the affidavit, Petitioner had clarified that her husband was known as Mr. Gangadhar and Mr.Gangaram. According to Mr. Ligade, the Respondents have erroneously disqualified the Petitioner's candidature thereby denying the Petitioner, a widow, of her entitlement.

11. Per contra, Mr. Ratan L. Adhe, learned Advocate for the Respondent Nos.2 to 5 submits that the Petitioner having failed to produce the original death certificate of her late husband, could not seek the relaxation in the age limit. He submits that the death certificate produced by the Petitioner at Exh. H. indicates the date of issuance as 07.08.2023, whereas the application submitted by the Petitioner was on 03.07.2023. He submits that the Petitioner did not attach all the documents required to be furnished along with the application, as such submits that no fault can be found in the disqualification of the Petitioner's candidature.

12. Mr. V. M. Mali, learned AGP for the State/ Respondent No.1 submits that the recruitment process being implemented by the Respondent Nos.2 to 5, the matter would be between the said Respondents and the Petitioner.

13. From the rival contentions of the parties, the question that falls for consideration is whether the Petitioner is entitled to the

relaxation of five years in the age limit being a applicant under the category widow? Consequently, whether the disqualification of the Petitioner's candidature by the Respondent Nos.2 to 5 is arbitrary and calls for interference.

**Analysis:-**

14. Controversy is whether the failure of the Petitioner to produce the original death certificate of her deceased husband and/or the non production of a proper photo copy of the original death certificate, would be a ground to reject the Petitioner's candidature for the post of Anganwadi Sevikas.

15. Perusal of the death certificate at Exh. H, page No.34 of the petition paper, indicates that the same is of Mr.Gangaram, date of death recorded is 27.02.2009, the date of registration of death is 23.03.2009 and the date of issuance of the same is 07.08.2023. Respondent Nos.2 to 5 have dealt with the said death certificate in paragraph No.11 of their reply. Paragraph 11 of the affidavit-in-reply dated 18.10.2024 is extracted herein:-

*“11. I say that, upon perusal of the death certificate issued by the petitioner at Exhibit- “H” depict that, the date of issuance of certificate is dt. 07.08.2023, the application submitted by the petitioner on dt. 03.07.2023,, first list was published on dt. 24.07.2023. The Petitioner failed to submit death certificate at the time of application, hence her disqualification is right and correct.”*

16. Though, the Respondent Nos.2 to 5, have raised contention

with regard to the non production of the original death certificate by the Petitioner and/or the contention of the stage of production of the death certificate, however from the records, it is apparent that the Respondents do not dispute the genuineness or the authenticity of the death certificate produced by the Petitioner at Exh. H to the Petition.

17. Petitioner has affirmed an affidavit, clarifying her husband being known as Gangadhar and Gangaram, which is also referred to by the Respondent Nos. 2 to 5 in paragraph No. 9 in their affidavit-in-reply.

18. Petitioner has passed XII standard. Petitioner has cleared Maharashtra State Certificate in Information Technology (MS-CIT). Petitioner belongs to Dhor Scheduled Caste.

19. Intention of rule making authorities to grant relaxation to candidates who are widows, is apparently aimed to achieve economic empowerment of such widows by becoming working women, after having lost their life partner. Empowerment of widows would equip them to be economically independent and enable them to face any situation in life. We are of the opinion that the Petitioner who satisfies the criteria under the said advertisement, is entitled to claim age relaxation being a widow, consequently Petitioner deserves an opportunity to participate in the recruitment process. Respondent Nos. 2 to 5 have on a hyper technical consideration, disqualified the Petitioner's

candidature. We have no hesitation in taking a view that will further the object of the provisions, rather than taking a technical view which will frustrate the claim of the Petitioner which is genuine.

20. For the aforesaid reasons we set aside the disqualification of the Petitioner's candidature, by holding the Petitioner to be eligible to the age relaxation, being widow. The Respondent Nos. 2 to 5 are hereby directed to include the name of the Petitioner in the merit list of candidates for the post of Anganwadi Sevikas as notified by the said advertisement and further to consider the candidature of the Petitioner to the said post in accordance with law.

21. Rule made absolute in the above terms. There shall be no orders as to cost.

**(ASHWIN D. BHOBE, J.)**

**(M. S. KARNIK, J.)**