



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 3615 OF 2023

Fauziya Iffat Azhar Shah
vs.
The State of Maharashtra and others.

Mr. S. M. Vaishnav, Advocate for petitioner.
Ms T. H. Khan, Assistant Government Pleader for respondent nos. 1 to 3/State.
Mr. D. P. Dapurkar, Advocate for respondent no.4.

CORAM :- ANIL S. KILOR and AJIT B. KADETHANKAR, JJ.

DATE :- 22nd AUGUST, 2025

P. C.

Heard learned counsel appearing for the parties.

2. It is the case of the petitioner that though she stood first in the merit list for appointment for the post of 'Anganwadi Sevika', because of the objection to her appointment on the ground that she is not the resident of Prabhad No.15 for which she was selected as 'Anganwadi Sevika' raised by the respondent no.4, the appointment was denied to the petitioner and order of appointment was issued in favour of the respondent no.4. Therefore, this petition.

3. It is the case of the petitioner that as per the Government Resolution dated 13.08.2014 though an appeal is provided within a period of 30 days from the date of publication of the merit/selection list for appointment to the post of 'Anganwadi Sevika,' in this case the respondent no.4 has raised

an objection beyond the period of 30 days. Despite that, the same was entertained.

4. The counsel for the respondent no.4 is not disputing the fact of submission of objection by the respondent no.4 after the stipulated period of 30 days from the date of publication of the merit/selection list. Further, it appears that an inquiry was conducted to find out whether the petitioner is the resident of Prabhagh 15. However, no such document or report was supplied to the petitioner, thereby granting opportunity to the petitioner to submit her say on such report. Furthermore, as stated by the petitioner, the documents submitted by the petitioner are not considered and discussed in the reply.

5. It is to be noted that only after the appointment order was issued to the respondent no.4, the petitioner came to know that the objection raised by the respondent no.4 was accepted. Whereas, no communication was issued in this regard to the petitioner.

6. In the circumstances, we are of the opinion that the matter needs to be remanded back to the respondent no.2 for consideration of the claim of the petitioner afresh.

7. Accordingly, we pass the following order:

(i) The writ petition is partly allowed.

(ii) The matter is remanded back to the respondent no.2- The Additional Commissioner, Women and Child Development Project, Amravati Division, Amravati, who is directed to re-consider the claim of the petitioner and pass a fresh order, after hearing the petitioner and

the respondent no.4, and considering the observations made hereinabove, within a period of four weeks from the date of appearance of the parties before it.

(iv) The petitioner and the respondent no.4 shall appear before the respondent no.2 on **15.09.2025**.

There shall be no order as to costs.

(AJIT B. KADETHANKAR, J.)

(ANIL S. KILOR, J.)

Andurkar.