



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

WRIT PETITION NO. 1404 OF 2024

Suvarna w/o. Popat Sable,
Age: 26 years, Occupation: At present Nil,
R/o.: At Post Padoshi, Taluka: Akole,
District: Ahmednagar.

.....PETITIONER

VERSUS

1. The Chief Executive Officer,
Women and Child Development Development,
Zilla Parishad, Ahmednagar,
Taluka & District: Ahmednagar.
2. The Child Development Project Officer,
Integrated Child Development Services Scheme Project,
Akole, Taluka: Akole, District: Ahmednagar.
3. The Divisional Commissioner, Nashik Division,
Nashik.

.....RESPONDENTS

Mr. S. V. Suryawanshi, Advocate for the Petitioner
Mr. S. D. Ghayal, Addl.GP for Respondent no.3
Mr. A. D. Aghav, Advocate for Respondent nos.1 and 2

CORAM : AJIT B. KADETHANKAR, J.

DATED : 13TH MARCH, 2026

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith.
2. Heard finally with consent of Mr. S. V. Suryawanshi,
learned Counsel for the petitioner, Mr. S. D. Ghayal, Addl.
G.P. for respondent no.3 and Mr. A. D. Aghav, learned
Counsel for respondent nos.1 and 2.

3. Integrated Child Development Services Scheme is a benevolent scheme introduced by the Central Government. Under this scheme the State Government particularly in rural areas has created various posts such as Anganwadi Sevika, Mini Anganwadi Sevika to promote education and child development. These posts are filled on an honorarium basis. Under the schemes projects are undertaken by the Zilla Parishad through Child Development Project Officers.

4. The scheme is implemented in the State through different projects. Some projects are meant for the rural and Adiwasi areas and some projects are for urban areas within the State. Since after issuance of Government Resolution dated 09.02.2005, the State Government has improved the schemes and its implementation by issuing various Government Resolutions from time to time.

5. The relevant Government Resolution modifying and setting the service conditions of the employees of Anganwadi is framed vide Government Resolution dated 13.08.2014. The said Government Resolution prescribes the qualifications required for such appointments and identifies the authorities responsible for recruitment, as well as for raising the

grievance arising from the selection procedure. The said Government Resolution is a part of the present Writ Petition paper book at page no.52.

6. An advertisement was published on 27.07.2022 by respondent no.2 for filling up one post of Anganwadi Sevika/Helper at the Anganwadi Center, Padoshi, located at village Padoshi, Tq. Akole, District Ahilyanagar. A number of candidates including the petitioner participated in the selection process. It is pertinent to note that clause no.4(2) of the advertisement required that the candidate must be a resident of the village in which the subject matter Anganwadi center is located. In order to prove the residence, a candidate was required to submit a certificate issued by the concerned Gram Sevak alongwith a self declaration certificate to that effect. Additionally, a copy of Aadhaar Card/EPIC Card/Ration Card was also required to be submitted.

7. The petitioner possessed a Ration Card pertaining to village Padoshi wherein her name is incorporated as daughter-in-law of the Ration Card holder Shivram Sable. It is not in dispute that this Ration Card was issued prior to the date of the subject matter/advertisement. Copy of the Ration Card is

at page no.20 and 21 of the paper book. The petitioner also submitted a copy of her Aadhaar Card bearing No.2631 5671 3978. Suffice to note that the address of the petitioner is also shown at Padoshi, Tq. Akole, Dist. Ahmednagar. The petitioner fairly submits that EPIC Card held by her on the date of filing her application indicated her address as resident of Padoshi Sherewadi. Petitioner submits that at the relevant time the village was identified as Padoshi Sherewadi. The portion Sherewadi was later segregated by the State. However, subsequently in the month of August, 2023, the residence of the petitioner was corrected showing her residence at Padoshi.

8. It appears that after due selection procedure, the select list was prepared by the concerned selection committee and the petitioner was shown at serial no.2 having secured 76.40 marks. A copy of the selection list is annexed to the petition. The selection list or the result indicates that the candidate standing at serial no.1 in merit namely Smt. Chandrakala Bule was shown as not qualified on account of being age-barred. The petitioner was eagerly waiting for her appointment on the subject matter/post as she was next in line on the selection

list. However, the petitioner was not granted any appointment.

9. Mr. S. V. Suryawanshi, learned Counsel for the petitioner submits that the candidate standing at serial no.3 filed a complaint to the Child Development Project Officer with an objection that the petitioner and one Jyoti Sable were not residents of village Padoshi on the date of application. It was further sought to submit that the petitioner in fact was a resident of Sherewadi. On this count, a complaint was submitted not to give an appointment to the petitioner. It appears that pursuant to the notice, an inquiry was conducted by the then Child Development Project Officer, Rajur. At the conclusion of the report, it was mentioned that the petitioner was not resident of village Padoshi.

10. The concerned authority recorded that the Aadhaar Card and the certificate issued by the Gram Sevak shows that petitioner is resident of Padoshi. However, the EPIC Card shows the residence of petitioner as Sherewadi Padoshi. The authority further recorded that the petitioner had two independent residences at padoshi and Sherewadi. It is also recorded that the petitioner's son is prosecuting his studies at

Sherewadi. It was also recorded that in the physical visit, the petitioner was found at Sherewadi.

11. The next finding of the concerned authority is that the documentary evidence of the complainant shows that she is a resident of Padoshi village. However it was observed that she had been out of village on account of job. The authority vide order dated 06.02.2023 concluded that the petitioner did not meet the requirement of the recruitment rules/guidelines and hence may not be appointed on the subject matter/post.

12. This order was taken up in challenge by the petitioner and Jyoti Sable before the Divisional Commissioner, Nashik Division Nashik. The appeal numbered as appeal no.4 of 2023. This appeal was tagged with appeal no.3 of 2023 filed by the said Jyoti Sable, who was also held disqualified for the post of Anganwadi Sevika.

13. After hearing the parties, the Divisional Commissioner, Nashik Division, Nashik concurred with the order passed by the Chief Executive Officer Zilla Parishad, Ahmednagar on 06.02.2023. As against that the petitioner is before this Court.

14. Learned Counsel for the petitioner submits that the petitioner was in fact resident of Padoshi. The said fact is

sufficiently proved by the petitioner with a certificate issued by the Gram Sevak, as also by the Ration Card and the Aadhaar Card. He would further submit that the candidate was required to file Aadhaar Card or a Ration Card or an EPIC Card. He submits, that way the Aadhaar Card and the Ration Card sufficiently proved that the petitioner has adequate evidence to show that she was resident of village Padoshi in terms of the advertisement. So far as the EPIC Card is concerned, learned Counsel for the petitioner would submit that in fact the portion Sherewadi was earlier a part of village Padoshi and hence it was popularly known and identified as Sherewadi-Padoshi or Padoshi-Sherewadi.

15. Mr. S. V. Suryawanshi, learned Counsel for the petitioner submits that the government by issuing a notification dated 14.07.2016 separated village Sherewadi. He would further submit that the respondents/authorities have not taken any objection to the Aadhaar Card and the Certificate issued by the Gram Sevak. He would submit that the order passed by the first authority Child Development Project Officer on a hear se information merely records that the petitioner has two residences at Padoshi and Sherewadi

and that the EPIC Card consists address at Sherewadi Padoshi.

16. Mr. S. V. Suryawanshi, learned Counsel for the petitioner would submit that regarding these observations, the concerned officer had arrived at conclusion that the petitioner fraudulently mentioned that she was resident of Padoshi. He would submit that upper authority/ Divisional Commissioner ought to have given due weightage to the documents attached by the petitioner and not to have relied upon observations recorded by the concerned authorities without any cogent evidence. He would submit that what has been recorded by the concerned officer is merely an opinion of such officer. With this he prays to allow the petition.

17. Mr. A. D. Aghav, learned Counsel representing the authorities submits that the order passed by the Project Officer whereby it was recommended that the petitioner may not be appointed on the subject matter/post is legal and correct as per the findings. He would submit that in terms of directions given by this Court he has produced the original record from his office pertaining to the subject matter/selection procedure. He points out a panchnama dated 09.11.2022, on which he has placed heavy reliance. He submits that in panchnama

dated 09.11.2022, it is recorded that the petitioner was found to be a resident of Sherewadi. Mr. Aghav submits that petitioner herself and her husband have signed this panchnama. He submits that this panchnama itself clarifies everything and falsifies the case put up by the petitioner.

18. Mr. Aghav, learned Counsel submits that the authorities have rightly observed that the EPIC Card shows petitioner's address at Sherewadi-Padoshi which clarifies that the petitioner is not resident of Padoshi. He points out the observation made by the Child Development Project Officer that the petitioner's son is prosecuting his studies at Sherewadi.

19. As such, the Zilla Parishad authorities sought to justify the impugned order.

20. With the able assistance of the parties, I have gone through the paper book compilation as well as original record of the recruitment procedure which is produced by the respondents' side before me. The crucial issue in the matter is the place of residence of candidate who appears for the selection procedure conducted for the appointment under the Integrated Child Development Services Scheme. Clause 4(2)

of the advertisement provides that the candidate must be a resident of concerned village. Three documents are supposed to be filed by the candidate to satisfy the candidature in support of the residence which are as follows:

1. Certificate by Gram Sevak.
2. Self declaration certificate.
3. An Aadhaar Card or Ration Card or EPIC Card.

21. In the case in hand, the petitioner has submitted the certificate issued by the Gram Sevak. Undisputedly, the respondents/authorities have not placed any grievance against the said certificate. It is not a case of the authorities that the certificate is bogus or obtained fraudulently.

22. The next document i.e. self declaration certificate is also on record. So far as the third category of certificate is concerned, it is pertinent to note that the selection rules show that the candidate is required to submit either of those three certificates. In the case in hand, the petitioner has Aadhaar Card which shows her residence at village Padoshi. The petitioner has also Ration Card which shows that on the date of her application, she was resident of Padoshi. So far as third document is concerned i.e. EPIC Card which however showed

that she was resident of village Padoshi-Sherewadi.

23. Learned Counsel for the petitioner has sought to give explanation that at the relevant time, the locality Sherewadi was part of village Padoshi. Subsequently it was separated from the said village. However, since the rules itself require only one out of three documents, and while the petitioner is sufficiently holding Aadhaar Card and Ration Card to that effect, this Court refrains from discussing more on the issue of address over the EPIC Card.

24. In my considered view, the petitioner was sufficiently holding all the requisite documents for filing nomination on the subject matter/post. Those documents in my opinion sufficiently proved that the petitioner was resident of village Padoshi Tq. Akole, Dist. Ahilyanagar at the relevant time. It is not the case of the authorities that a candidate must show the requisite address on all three documents. Only one document showing the address of concerned village is sufficient as per the advertisement. The authorities can not change the eligibility criteria at this stage.

25. Now so far as the concerned report of the Project Officer

is concerned, the entire report is as much vague as it could be. The report shows that the Project Officer has relied upon some hearsay information gathered from some people. The report does not give exact description of the source of information from which she has gathered so. The Project Officer has merely relied on the EPIC Card, wherein petitioner's address was shown as Sherewadi-Padoshi.

26. The mere observation that the petitioner has separate residence at Padoshi and Sherewadi, and that her son is prosecuting his studies at Sherewadi, in my opinion must not stand fatal to the petitioner's entitlement to the subject matter post. So far as the panchnama relied upon by Mr. Aghav, learned Counsel for the respondents from the original record, the same may not be considered for the reason that the concerned authority has even not taken into consideration that report. Secondly, it is not at all acceptable that while the dispute is as regards to whether the petitioner is resident of Padoshi or Sherewadi by no stage of imagination a prudent mind will accept that a person will sign against herself.

27. Anyway, since the said panchnama is not a part and parcel of this proceeding, this Court refrains from commenting

on that panchnama. Resultantly, I am of the considered view that the petition must succeed.

28. Mr. S. V. Suryawanshi, learned Counsel for the petitioner submits that the subject matter/post is still lying vacant.

29. It is a matter of serious concern that the selection procedure was undertaken by the respondent authorities in 2022 and the authorities have not filled those posts till this date despite there having been no adverse order by any authority or by any Court. Such inaction on the part of the authorities frustrates a very purpose of the Integrated Child Development Services Scheme. Hence, such inaction is deprecated by this Court. The failure on the part of the authorities to fill the posts in a timely manner has in fact resulted in deprivation of the children in remote and rural areas where they deserve to get appropriate education and also a good upbringing. Under such circumstances, if the petitioner is found well qualified to hold the subject matter post, she has to be appointed over there immediately, particularly in the interest of the children. In the light of this, I pass following order:

ORDER

- i. Writ Petition stands allowed.
- ii. The respondents/authorities shall appoint the petitioner on the subject matter post of Anganwadi Madatnis, Anganwadi Center at Padoshi Tq. Akole, Dist. Ahilyanagar within a period of four weeks from today.
- iii. Learned Counsel for the authorities is requested to communicate this order immediately to the concerned authorities.
- iv. Writ Petition stands allowed in above terms.
- v. Rule made absolute.

(AJIT B. KADETHANKAR, J.)