



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1422 OF 2024

Jyoti w/o Ravindra 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.
4. Smt. Jyotsna Ankush Sabale,
Age: Major, Occupation: Service,
R/o.: At post Padoshi, Taluka: Akole,
District: Ahmednagar

.....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
Mr. N. K. Chaudhari, Advocate for Respondent no.4

CORAM : AJIT B. KADETHANKAR, J.

DATED : 01ST APRIL, 2026

ORAL JUDGMENT :-

. Rule. Rule made returnable forthwith.

2. Heard for final disposal with consent of Mr. S. V. Suryawanshi, learned Counsel for the petitioner, Mr. S. D. Ghayal, Addl. G.P. for respondent no.3, Mr. A. D. Aghav, learned Counsel for respondent nos.1 and 2 and Mr. N. K. Chaudhari, learned Counsel for respondent no.4.

3. Subject-matter:

Petitioner was appointed as Anganwadi Sevika at Padoshi village after due process corresponding to her topper position in the merit. Place of residence is the crucial condition for appointment on the subject-matter post. Petitioner qualified the crucial condition by producing requisite documents. Respondent No.4 complained that Petitioner was residing at Padoshi on rental basis since after issuance of advertisement. That, Petitioner's son was studying in Anganwadi in the adjoining village. On the basis of such complaint, Petitioner came to be removed from the subject-matter post. As such, Petitioner's removal is under challenge in this Writ Petition.

4. Facts in brief:

4.1. 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.

4.2. 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.

4.3. 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.63.

4.4. 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.

4.5. The petitioner possessed a Ration Card pertaining to village Padoshi wherein her name is incorporated. 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.27 of the paper book. The petitioner also submitted a copy of her Aadhaar Card bearing No.3742 3829 2686. Suffice to note that the address of the petitioner is also shown at Padoshi, Tq. Akole, Dist. Ahmednagar. The Aadhar Card is issued on 17.01.2014. EPIC card of the Petitioner also showed her address at Padoshi.

4.6. 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.1 on merits. Accordingly, the Petitioner came to be appointed on the subject matter post.

4.7. Mr. S. V. Suryawanshi, learned Counsel for the petitioner submits that the candidate standing at next number i.e. Respondent No. 4 filed a complaint to the Child Development Project Officer with an objection that the petitioner was not resident 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. 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.

4.8. The concerned authority recorded that,

(i) The requisite documents correctly showed Petitioner's address as Padoshi;

(ii) Panchanama dated 09.11.2022 showed that the Petitioner was staying at Sherewadi;

(iii) Petitioner's son was prosecuting his studies at Sherewadi.

(iv) It was learnt that the Petitioner was residing at Padoshi on rental basis since after publication of the advertisement for the impugned post.

(v) Complainant though possessed all requisite documents, was found out of station on account some job.

4.9. With these findings the Child Development Project Officer ('CDPO' for brevity) namely Ms. Bharati Satalkar recommended to hold the Petitioner disqualified for the subject matter post, and to appoint the Respondent No. 4 in her place.

4.10. Relying upon the report submitted by the CDPO Ms. Satalkar, the Chief Executive Officer, without applying independent mind passed impugned order dated 06.02.2023 thereby disqualifying the Petitioner. Accordingly, on 15.09.2023, Petitioner came to be discharged from the services.

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

4.12. 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.

5. Submissions by the Petitioner:

Learned Counsel for the petitioner submits that,

5.1. There is no dispute about Petitioner's qualification. So also the documents annexed by the Petitioner are absolutely in order.

5.2. The so called Panchanama dtd. 09.11.2022 is highly disputed. It is the hardest thing to believe that the Petitioner would give any statement against herself.

5.3. Merely if son is prosecuting studies at Sherewadi, it can not be inferred that the Petitioner is not resident of Padoshi.

5.4. The observation that the Petitioner is not resident of Padoshi is based on hear-se information. No inquiry is conducted in that regard. No statements of the so called landlord or any other cogent witness in terms that the Petitioner is residing over there since 2 months before the visit of the CDPO dated 26.06.2023 etc. are obtained.

5.5. The Authorities have not applied their independent mind nor have given thoughtful consideration to the facts of the case. Its only after scrutinizing the record, the Petitioner was appointed on the Subject Matter post and hence she could not have terminated in such a casual manner.

5.6. Mr. Suryawanshi submits that what has been recorded by the concerned officer i.e. CDPO, is merely an opinion of such officer. With this he prays to allow the petition.

6. Submissions by the CDPO and Zilla Parishads authority

6.1. Mr. A. D. Aghav, learned Counsel representing the authorities submits that the order passed by the CDPO whereby it was recommended that the petitioner may not be continued on the subject matter/post holding her disqualified, is legal and correct as per the findings.

6.2. 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.

6.3. 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.

6.4. Mr. Aghav, learned Counsel concludes that the authorities have rightly observed 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. As such, the Zilla Parishad authorities sought to justify the impugned order.

7. Submissions by Respondent No.4 – Complainant:

7.1. Mr. N. K. Chaudhari, Ld. Counsel for the Respondent No. 4 echoes the arguments advanced by Mr. Aghav.

7.2. Additionally, Mr. Chaudhari submits the fact that the Petitioner is benefited of the Anganwadi situated in other village i.e. Sherewadi thereby admitting her son there, it goes to show that the Petitioner is not resident of Padoshi. He submits that its clear that the Petitioner is resident of Sherewadi.

7.3. Mr. Chaudhari submits relying on one residence certificate which is issued by the project officer and which is issued post the advertisement.

7.4. He vehemently submits that the CDPO has categorically recorded the findings that in her personal visit it was found that the Petitioner was not resident of Padoshi.

7.5. He would submit consequent to the vacancy fallen due to removal of the Petitioner, the Respondent No. 4 is rightly appointed on the subject-matter post.

With this, Mr. N. K. Chaudhari prays to dismiss the Writ Petition.

8. Discussion and consideration:-

8.1. 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.

8.2. 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.

8.3. 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.

8.4. 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.

8.5. 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.

8.6. In the case in hand, the petitioner has Aadhaar Card, Ration Card and EPIC Card which show Petitioner's address at Padoshi.

8.7. 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.

8.8. Now so far as the concerned report of the CDPO is concerned, the entire report is as much vague as it could be. The report shows that the CDPO has relied upon hear-se information gathered from some people. The report does not give a single description of the source of information from which she has gathered so. No inquiry was conducted to arrive at conclusion that the Petitioner was residing at Padoshi on rental basis since after the issuance of advertisement. Its not

that any statement of a person - purportedly Petitioner's land lord, was collected by the CDPO.

8.9. The CDPO is a responsible officer of the Zilla Parishad. If the officer has to investigate and place something against the long standing government record like EPIC card, Aadhar Card, Ration Card, the CDPO ought to have rendered such findings extreme cautiously and by meaningful investigation and inquiry.

8.10. The CDPO has merely recorded to have learnt that the Petitioner was residing at Padoshi on rental basis since after the issuance of advertisement. Even for the sake of arguments accepting that the Petitioner resides at Padoshi on rental basis, that itself shall not be a ground of disqualification unless its clearly established that on the date of advertisement or on the date of the filing of application, the petitioner was not resident of village Padoshi. The inquiry must be clearly establishing that the Petitioner was not resident of Padoshi at the crucial time. As against the long standing documentary evidence, the objector and the CDPO must establish that excepting the documentary evidence, the Petitioner was not residing at Padoshi. The respondent side has no objection as

regards to genuinity of the documents filed by the Petitioner.

8.11. Mere here-se information that the Petitioner is not resident of Padoshi village and that her son is prosecuting studies at Sherewadi Anganwadi, in my opinion must not stand fatal to the petitioner's appointment on the subject matter post. I do not comprehend with the contention of Mr. N. K. Chaudhari, Ld. Advocate for Respondent No. 4 'if Petitioner's son studies at Sherewadi Anganwadi, this *ipso facto* negates petitioner's contention.'

8.12. The next objection of the Respondent No. 4 as regards to the residence certificate issued by the CDPO post-advertisement is misconceived one. As per the advertisement the Petitioner has to produce on record a certificate issued by Gram-Sevak, which admittedly is on record. The additional document doesn't counter the earlier document. An additional document if doesn't take exception to the earlier document, won't strengthen the rival argument. The said certificate is an independent document. This document is issued by the CDPO and its 'PESA' residence certificate, its not used by the petitioner while submitting the application.

8.13. 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 merely referred that report.

8.14. With the able assistance of Mr. Aghav, I have gone through the original file of the Zilla Parishad authorities. Its a xerox of a document styled as Panchanama. The Panchanama is undated. In its text it is written that on 09.11.2022 the Panchas enquired, but the Panchanama itself is undated. The file do not consist original copy of the panchanama. On query, Mr. Aghav in his usual fairness answered that the file doesn't consist original of the said panchanama.

8.15. Secondly, that while the dispute is as regards to whether the petitioner is resident of Padoshi or Sherewadi, by no stretch of imagination a prudent mind will accept that a person will sign against herself. As such, the said Panchanama can not be believed for any purpose. The Petitioner has flatly disputed the panchanama and her signature over there.

8.16. Mr. S. V. Suryawanshi, learned Counsel for the petitioner submits that the Petitioner was rightly appointed on the subject matter post of Anganwadi Sevika. Consequent to

Petitioner's removal from the post, the Respondent No. 4 is appointed on the said post. He submits that the impugned order be quashed, set aside and the Petitioner be relocated on the subject-matter post.

8.17. I have heard all the all the stakeholders to the litigation at length. I have given due consideration to the objection raised by the Respondent No.4 – the complainant. I have even gone through the original office file of the Child Welfare and Development Department of the Zilla Parishad. I have answered each objection raised from the respondent side. I have arrived at conclusion that the Petitioner was dislodged from her post erroneously on absurd count. Hence I am of the view that the Petitioner must be re-positioned as Anganwadi Sevika at Anganwadi center, Padoshi, Tk. Akole, dist. Ahmednagar. It is pertinent to note that appointment of the respondent no.4 is merely consequent to the termination of the petitioner. Hence, the fate of her appointment is subject to the decision in the present Writ Petition. However, as a matter of caution, full opportunity of hearing has been given to Mr. Chaudhari, learned Counsel for respondent no.4. Hence, consequences shall obviously follow.

In the light of this, I pass following order:

ORDER

- i. Writ Petition stands allowed.
- ii. Impugned order dated 06-02-2023 Issued by the Chief Executive Officer, Zilla Parishad Ahmednagar canceling Petitioner's appointment as Anganwadi Sevika, and the order dated 24.11.2023 Passed by the Divisional Commissioner, Nasik Division in Appeal No.03 of 2023 are quashed and set aside;
- iii. The Chief Executive Officer, Zilla Parishad Ahmednagar and the CDPO, Zilla Parishad Ahmednagar shall re-instate the petitioner on the subject matter post of Anganwadi Sevika at Anganwadi Center, Padoshi Tq. Akole, Dist. Ahilyanagar within a period of four weeks from today. Consequences to follow.
- iv. Learned Counsel for the authorities is requested to communicate this order immediately to the concerned authorities.
- v. Writ Petition stands allowed in above terms.
- vi. Rule made absolute.

(AJIT B. KADETHANKAR, J.)