



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO. 494 OF 2026

Sonubai Chandrashekhar Shelar

VERSUS

The State Of Maharashtra And Others

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Mr. Prashant N. Khedkar - Advocate for the Petitioner

Mr. R. S. Wani - AGP for State

Mr. S. B. Pulkundwar – Advocate for Respondent Nos. 2 to 5

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CORAM : SMT. VIBHA KANKANWADI

AND

HITEN S. VENEGAVKAR, JJ.

DATED : 17TH FEBRUARY, 2026

ORAL ORDER [*Per* Hiten S. Venegavkar, J.] : -

1. The present petition, filed under Article 226 of the Constitution of India, challenges the Government Resolution dated 30.01.2025 issued by the Women and Child Development Department, by which grace marks of 10 were awarded to a graduate candidate. The petitioner further challenges the appointment order dated 24.04.2025 issued by Respondent No. 4 in favour of Respondent No. 5, contending that the appointment was made based on the benefit granted to Respondent No. 5 under the Government Resolution dated 30.01.2025.

2. The Petitioner states that, the Petitioner had applied for the post of Anganwadi Helper on the basis of an advertisement issued by the Women and Child Development Department. It is contended by the

Petitioner that, Respondent No. 1 has issued a Government Resolution dated 02.02.2023, thereby providing directions for the appointment of Anganwadi Helper, who is directly appointed as Anganwadi Sevika after completion of two years of service. The Government Resolution mentions the age limit of 35 years for the candidate, and it also provides for a marking system for the appointment of Anganwadi Sevika, Helper, and Mini Anganwadi Sevika. It is the case of the Petitioner that, for the purpose of appointment of a candidate who has completed graduation, a maximum of 5 marks was to be awarded, whereas a minimum of 1 mark was to be awarded depending upon the marks scored in graduation. Additionally, 25 marks were to be awarded depending upon the status and experience of the candidate.

3. It is further stated by the Petitioner that, Respondent No. 1, on 30.01.2025, came out with another Government Resolution, thereby modifying the marking system provided in the earlier Government Resolution dated 02.02.2023 without giving any justification. According to the Petitioner, the marks which were to be awarded for a graduate candidate were increased from 5 to 10, and secondly, additional marks were reduced from 25 to 20. The Petitioner further states that the earlier criteria of awarding marks after considering the marks scored by the candidate in graduation has been discontinued by the Respondents, and everyone who has completed graduation will be awarded 10 marks

indiscriminately. The Petitioner states that she has completed D.Ed. and was awarded only 2 marks. If the marks awarded for graduate degree holders were increased from 5 to 10, then marks for other qualifications should also have been increased. Thus, it is submitted by the Petitioner that the marking system provided in the Government Resolution dated 30.01.2025 is totally arbitrary, discriminatory, and is liable to be set aside.

4. The Petitioner further states that she, along with Respondent No. 5, has applied for the post of Anganwadi Helper, and both the Petitioner as well as Respondent No. 5 obtained similar marks. However, as the Petitioner has completed her D.Ed. qualification and Respondent No. 5 has obtained a graduation degree in Bachelor of Science, the education of Respondent No. 5 was considered higher, and she was appointed to the post of Anganwadi Helper by order dated 24.04.2025. The Advocate for the Petitioner thus submits that both the Petitioner as well as Respondent No. 5 obtained equal marks, but it is only because of the benefit provided by the Authorities to Respondent No. 5, her selection was made on the basis of grace marks, which were introduced for the first time by way of the impugned Government Resolution. He argued that the earlier marking system was appropriate, and if that had been considered, the Petitioner would have had a chance to be appointed.

5. We have heard the learned Counsel for the Petitioner as well as the learned AGP appearing for the State. We have also perused the Government Resolution dated 30.01.2025, as well as the earlier Government Resolution dated 02.02.2023.

6. It is a matter of record that the Government, by way of its policy decision, has unilaterally granted a benefit of 10 marks to all candidates who possess a graduate degree. The said Government Resolution is not person-specific but represents a uniform policy adopted by the State Government. We do not find any kind of discrimination in the policy decision taken by the Government.

7. Secondly, the Government Resolution dated 30.01.2025 was very much in existence when the application forms were submitted by the Petitioners as well as Respondent No. 5 for appointment as Anganwadi Helper. Thus, the Petitioner was well aware of the policy decision of the State Government whereby a graduate candidate would be allotted grace of 10 marks. In spite of this, the Petitioner participated in the process, which has now culminated in the appointment order of Respondent No. 5 issued by Respondent No. 4.

8. Merely because the Petitioner has not been appointed, the Petitioner cannot be permitted to raise any kind of grievance

subsequently to the policy decision of the State Government. Much less, the Government Resolution, according to us, is a policy framed by the State Government, and once the Petitioner fails to demonstrate any kind of discrimination, arbitrariness, or illegality in the decision-making process, this Court will not interfere with the same under its writ jurisdiction under Article 226 of the Constitution of India.

9. Accordingly, the Writ Petition is devoid of merits and therefore stands dismissed. No order as to costs.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE