



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 WRIT PETITION NO.2054 OF 2026

Amruta Shankar Karpe

VERSUS

The State Of Maharashtra And Others

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Advocate for Petitioner : Mr. C.P. Patil

AGP for Respondents : Mr. S.D. Ghayal

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : February 25, 2026

PER COURT :-

1. Present writ petition is filed with following prayers :-

- "b. By appropriate writ in the nature of certiorari or any other writ of like nature or by appropriate directions or by appropriate orders the impugned the order in appeal bearing no./2024/DB/Appeal/Cell/CR-341 dated 28.02.2025 passed by the Additional Divisional Commissioner, Chh. Sambhajinagar may please be quashed and set aside.
- c. By appropriate writ in the nature of certiorari or any other writ of like nature or by appropriate directions or by appropriate orders the impugned order in the complaint bearing O.No./496/WCDZP Beed, dated 2.4.2024 passed by the Chief Executive Officer, Zilla Parishad, Beed.
- d. By appropriate writ in the nature of certiorari or any other writ of like nature or by appropriate directions or by appropriate orders to quash the appointment order dated 18.12.2023 issued in favour of the 7th Respondent for the post of Anganwadi Madatnis, at village Bobadewadi, Tq. Kaij, District Beed holding such orders bad in law."

2. Petitioner and respondent no.7 participated in selection process for the post of 'Anganwadi Sevika'. Respondent no.7 is ultimately selected on the said post. Petitioner raised challenge to her appointment on the ground that respondent no.7 has three children and her affidavit stating that she has only two children is false. In support of her contentions, petitioner filed on record a communication dated 28.11.2023 issued by the Health Worker at P.H.C., Wadgaon, wherein it is disclosed that three daughters of respondent no.7 were vaccinated. Their names are as under :-

1. Shreyal Shrinivas Bobade (born on 16.6.2015)
2. Shravi Shrinivas Bobade (born on 8.12.2018) and
3. Shreyanshi Shrinivas Bobade born on 26.11.2020.

3. In response to aforesaid evidence, respondent no.7 submitted that her second child i.e. Shravi Shrinivas Bobade expired on 16.5.2019 hence, on the date of filing the application, she had only two children. The C.E.O. Zilla Parishad, Beed called information regarding birth and death register maintained at village Panchayat Bobadewadi, which depict that death of Shravi Bobade has been recorded in birth and death register. In light of aforesaid material, the authority

refused petitioner's claim that respondent no.3 had given false affidavit regarding two living children or she had three living children at the time of submission of her candidature for the post of 'Anganwadi Sevika.'

4. Mr. Patil, learned advocate appearing for the petitioner, in support of his submissions relied upon observations of this Court in case of **Sumanbai w/o Bandu Walvi Vs. The Divisional Commissioner, Nashik Division, Nashik and others** in Writ Petition No.11361 of 2021, decided on 15.4.2024 to contend that where there is dispute as regards to birth of child, DNA test can be ordered. However, in present case, there is no dispute that respondent no.7 had three children but, her second child namely Shravi is already expired and her death has been recorded in the birth and death register maintained by the competent authorities. The reference can be given law laid down by full bench of this court in case of **Subhash Sajesingh Gavit Vs. The Returning Officer ZP Nandurbar and Ors** in Writ Petition No.6993/2008 observed thus:-

“53. We, therefore, hold that the demise of a child can be excluded while computing the number of living children in these three Acts and the number of children that a candidate has on the date of the

filing of the nomination paper, would be reckoned”.

5. In that view of matter, observations made in case of Sumanbai would be of no assistance to petitioner. In result, writ petition stands **rejected**. No costs.

(S. G. CHAPALGAONKAR, J.)

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