



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

District : Nanded

WRIT PETITION NO.5179 OF 2026

1. Santosh S/o Vishwambhar Shinde,
Age: 42 years, Occ: Govt. Service,
R/o: Pushp Nagar, Pawdewadi Naka,
Nanded, Tq. And Dist. Nanded.
2. Vilas S/o Chandba Waghmare,
Age: 43 years, Occ: Govt. Service,
R/o: A/p. Bachoti, Tq. Kandhar, Dist. Nanded.
3. Pawan S/o Kerba Waghmare,
Age: 39 years, Occ: Govt. Service,
R/o: Pornima Nagar, Nanded,
Tq. And Dist. Nanded.
4. Vyankati S/o Mahajan Boddawar,
Age: 44 years, Occ: Govt. Service,
R/o: Sai Nagari Phase-2, Yash Nagar,
Nanded, Tq. And Dist. Nanded.
5. Santosh S/o Madhavrao Nalbalwar,
Age: 37 years, Occ: Govt. Service,
R/o: Govindraaj Niwas, Chatrapati Nagar,
Nanded, Tq. And Dist. Nanded.

.....PETITIONERS

VERSUS

1. The State of Maharashtra,
Through it's Chief Secretary,
General Administration Department,
Mantralaya, Mumbai – 400 032.
2. The Secretary,
Women and Child Development Department,
New Administration Building, 3rd Floor,
Madam Kama Road, Hutatma Rajguru Chowk,
Mantralaya, Mumbai – 400032.

3. The Secretary,
Rural Development Department, Bandhkam Bhavan,
Marzban Road, 25 Fort, Mantralaya, Mumbai – 400032.
4. The Maharashtra Public Service Commission,
Through it's Secretary, Trishul Gold Field,
Plot no.34, near Sarovar Vihar, Sector 11,
CBD Belapur, New Mumbai – 400 614.

.....RESPONDENTS

Mr. Yogesh P. Deshmukh, Advocate for petitioners,
Mr. A. M. Phule, AGP for respondent-State

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**CORAM : SMT. VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.**

DATED : 07TH MAY, 2026

JUDGMENT :- (Per Ajit B. Kadethankar J.)

. Rule. Rule made returnable forthwith. Heard Mr. Yogesh P. Deshmukh, learned Advocate for the petitioners and Mr. A. M. Phule, learned Assistant Government Pleader for respondents-State. At the behest of the parties, the matter is heard for final disposal.

2 The petitioners have presented the petition with following substantive prayer:

B. By issuance of Writ of Mandamus or any other appropriate Writ, Order or Direction of like nature, the Respondents may kindly be directed to amend the Service Rules, 2022 and the Recruitment Rules, 2024 to include Grampanchayat Officer post in the Feeder Cadre created for the recruitment of Child Development Project Officer (CDPO) Group-B (Gazetted) Post.

3. Facts in brief:

3.1 The petitioners were appointed as Gram Sevaks. Vide Government Resolution dated 24.09.2024, the Rural Development Department of the State of Maharashtra merged the posts of Gram Sevak and Gram Vikas Adhikari, thereby nomenclating them collectively as Village Panchayat Officers (“VPO” for brevity). As such, today the petitioners are “VPOs”.

3.2 Vide a notification published in the State Official Gazette on 31.03.2022, the State Government framed “Group-B (Gazetted) posts under the Commissionerate of Women and Child Development, and Group – B (Gazetted) post under the Commissionerate of Integrated Child Development Scheme, (Recruitment) Rules, 2022 (“Rules of 2022” for brevity).

3.3 In view of this, appointment to those posts could be made by either of the three modes i.e. through promotion by limited departmental examination, or through an open competitive examination, or by deputation.

3.4 The notification also provided the categories/cadres under Women and Child Development Department (appendix -A) and the cadres under the Rural Development Department (appendix -B).

These are the feeder cadres from which the appointment could be made under the Rules of 2022.

3.5 Subsequently, vide notification dated 30.09.2024 published in the State Official Gazette, the Women and Child Development Department, State Government framed the Group-B (Gazetted) posts under Commissionerate of Women and Child Development and Group-B (Gazetted) post under Commissionerate of Integrated Child Development Service Scheme, (Limited Departmental Competitive Examination) Rules, 2024 (“Rules of 2024” for brevity).

3.6 Pertinent to note, these Rules provide for filling up the subject matter-posts through limited departmental competitive examination. appendix -1 and appendix -2 thereto prescribe the feeder cadres eligible to appear for the said limited departmental examination. It is pertinent to note that the “VPOs” are not included in the feeder cadres composed in the Rules of 2022 as also in the Rules of 2024. In view of the Rules of 2022 and 2024 the recruitment to the subject matter-posts under the Rules is to be conducted by the Maharashtra Public Service Commission (“MPSC” for brevity).

3.7 Accordingly, on 21.11.2025 the MPSC published an advertisement no.125/25. Vide the said advertisement, recruitment

to the posts of Group-B (Gazetted), falling under Women and Child Development Directorate, and the Group-B posts of Child Development Project Officer (Rural) falling under Integrated Child Development Services Scheme Directorate is sought to be made.

3.8 Clause no.5-1 of the advertisement refers to the Rules of 2024 and lays down the qualification corresponding to the feeder cadres of which employees are eligible to undergo the recruitment process. Here, the petitioners have raised the grievance that the “VPO” posts although discharging the functions of the posts mentioned in the feeder cadre, are not included in the feeder cadre depriving them from participating the recruitment process. Hence, this petition.

4. Submissions:

4.1 Mr. Yogesh P. Deshmukh, learned Advocate for the petitioners would offer his brief and precise objection that despite the “VPOs” discharging the actual function and the responsibilities attached to the post of Child Development Officer (“CDPO” for brevity), they have been excluded from the feeder cadres. Mr. Deshmukh was at pains to submit that the State Government ought to have taken a pragmatic view while composing the feeder cadre.

4.2 He would submit that while entitling such other cadres, which are not at all related with the work of “CDPO”, the State Government erroneously skipped the “VPOs” out of the entitlement to participate the recruitment procedure under the Rules of 2022 as also Rules of 2024. Mr. Deshmukh therefore submits that the petition is filed to direct the State Government to include the “VPOs” in the feeder cadre mentioned in the appendix appended to the Rules of 2022 and Rules of 2024.

4.3 Mr. A. M. Phule, learned Assistant Government Pleader would oppose the petition. He would submit that the inclusion of the cadres in the feeder cadre for the purpose of recruitment to the subject matter-post is within the domain of the State Government, and is a matter of State policy. He would submit that the representations filed by the association of the “VPOs” has been thoughtfully considered by the Government,; and observing that it is a policy matter, the said representations are rejected.

5. Consideration:

5.1 We may note that the petitioners have not challenged directly and expressly either the Rules of 2022 or the Rules of 2024. The directions are sought to include the cadre of “VPOs” in the feeder cadres mentioned in the 2022 and 2024 Rules.

5.2 In the absence of any challenge to the vires, legality or validity of the Rules of 2022 and 2024, directions sought for amendment of those Rules by incorporating the “VPO” cadre into the feeder cadres would tantamount to directing the State Government to take a specific policy decision. This Court while exercising jurisdiction under Article 226 of the Constitution of India, would be sloth to issue any direction to the State Government in such a case. We are in agreement with the learned Assistant Government Pleader that inclusion of a specific post, cadre, or a group in the feeder cadre for promotion/appointment is purely a matter of state policy.

5.3 We are of the considered view that a Writ of Mandamus could not be issued under Article 226 of the Indian Constitution in the set of facts. Therefore, petition fails. Hence, we pass following order:

ORDER

- a. Writ Petition stands dismissed.
- b. Rule stands discharged.

[AJIT B. KADETHANKAR, J]

[SMT. VIBHA KANKANWADI, J.]