



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

31 WRIT PETITION NO. 3646 OF 2017
WITH
CIVIL APPLICATION NO. 3198 OF 2026

Sulochana Mahadeo Budhanar
VERSUS
The State Of Maharashtra And Others

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Advocate for the Petitioner : Mr. Rajendra Dhakne i/by Mr. Andhale M. R.
AGP for Respondents: Mr. S. B. Jadhav
Advocate for Respondent No.5 : Mr. Amol Gandhi
Advocate for Respondent Nos.3 & 4 : Adv. Hoge Patil Ashwini S.

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 04.05.2026

PER COURT :

1. Heard learned counsel for the respective parties.
2. The petitioner is aggrieved by the order dated 05.02.2016 passed by respondent No.3-CEO, Zilla Parishad, Aurangabad and order dated 05.08.2016 passed by Divisional Commissioner, Aurangabad, whereby appointment of respondent no.5 on the post of Anganwadi Sevika came to be confirmed.
3. Mr. Dhakne, learned counsel for the petitioner submits that respondent No.4 had published an advertisement for appointment to the post of Anganwadi Sevika. Pursuant thereto, the petitioner, respondent No.5 and other candidates applied for the said post. After scrutiny of the

applications, it was revealed that only the petitioner was resident of Shivajinagar locality.

4. Learned counsel for the petitioner invited my attention to the chart prepared by respondent No.4 wherein respondent No.5 was shown as resident of Vihamandwa. However, respondent No.4 appointed respondent No.5 though she was not resident of Shivajinagar locality. Being aggrieved by the said appointment, the petitioner preferred an appeal before the Divisional Commissioner, Aurangabad and the same came to be dismissed. Learned counsel for the petitioner further invited my attention to Government Resolution dated 30th August 2014, more particularly Clause 2(B), which provides that the candidate applying for the post of Anganwadi Sevika must be resident of the concerned locality where the Anganwadi is situated. It is submitted that respondent No.5 was resident of Vihamandwa and not Shivajinagar. Therefore, according to the petitioner, the appointment of respondent No.5 is contrary to the Government Resolution and liable to be set aside.

5. Learned counsel for the petitioner further relied upon various documents placed on record including certificate issued by the Gram Panchayat dated 4th July 2013, which clearly reveals that respondent No.5 was resident of Vihamandwa. He further submits that the chart prepared by respondent No.4 also indicates that all other candidates except the petitioner were shown as residents of Vihamandwa. However, subsequently another list was prepared showing respondent No.5 as

resident of Shivajinagar. Therefore, it is submitted that respondent No.5 was wrongly shown as resident of Shivajinagar only to make her eligible for appointment.

6. Per contra, Mr. Amol Gandhi, learned counsel appearing for respondent No.5 relied upon the school leaving certificate and domicile certificate issued by the Tahsildar to contend that respondent No.5 was resident of Shivajinagar. It is submitted that respondent No.5 had studied in the school at Shivajinagar and therefore she satisfies the eligibility criteria.

7. Having heard learned counsel for the respective parties and after going through the documents placed on record, it appears that there is a specific condition in Clause 2(B) of Government Resolution dated 13th August 2014 that the concerned candidate must be resident of the locality where the Anganwadi is situated. The advertisement in the present case was issued for appointment at Shivajinagar locality. Therefore, only candidates residing at Shivajinagar locality were eligible for consideration.

8. I have also gone through the chart prepared by respondent No.4. The same clearly reveals that respondent No.5 was shown as resident of Vihamandwa. The certificates issued by the Gram Panchayat dated 4th July 2013 also reveal that respondent No.5 was resident of Vihamandwa. As regards the school leaving certificate relied upon by respondent No.5, the same pertains to the period prior to her marriage and merely

indicates the residence of her father. The said document cannot establish that respondent No.5 was residing at Shivajinagar locality on the date of advertisement. Similarly, the domicile certificate issued by the Tahsildar is of the year 2019, whereas the advertisement was issued in the year 2015. Therefore, the said certificate cannot be relied upon to determine eligibility as on the relevant date.

9. The Divisional Commissioner, while dismissing the appeal preferred by the petitioner, failed to properly consider the aforesaid documents and misinterpreted the Government Resolution dated 13th August 2014. The finding recorded by the Divisional Commissioner that Shivajinagar was not a separate locality is contrary to the material placed on record.

10. Considering the aforesaid facts and circumstances, I find that respondent No.5 was not resident of Shivajinagar locality on the date of advertisement and therefore she was not eligible for appointment to the post of Anganwadi Sevika at Shivajinagar. Consequently, the order passed by respondent No.4 appointing respondent No.5 and the order passed by the Divisional Commissioner dismissing the appeal are liable to be set aside. Hence, the following order :-

ORDER

- (i) The writ petition is allowed.
- (ii) The order dated 05.02.2016 passed by respondent No.3-CEO, Zilla Parishad, Aurangabad and order dated 05.08.2016 passed by Divisional Commissioner, Aurangabad are hereby quashed and set aside.

- (iii) Respondent Nos.3 and 4 are directed to issue appointment order in favour of the petitioner within a period of one month from the date of receipt of this order.
- (iv) Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE]
JUDGE