



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

961 WRIT PETITION NO. 1396 OF 2025

**HINA KAUSAR MOHAMMAD RIYAZ
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS CHIEF
PRINCIPAL SECRETARY AND OTHERS**

...
Mr. S.B. Ghatol Patil, Advocate for the petitioner.
Mr. S.R. Yadav-Lonikar, A.G.P. for respondent Nos.1 to 3.
Mr. A.R. Nikam, Advocate for respondent Nos. 4 and 5.
Mr. V.D. Patnurkar, Advocate for respondent Nos.6 and 7.
...

**CORAM : R.G. AVACHAT AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 8 MAY 2025

P.C. :

1. The petition questions the order passed by respondent No.7, whereby, despite the petitioner's selection as 'Shikshan Sevak', the further appointment process has been stalled and she disqualified on account of the registration of Crime Nos. 56/2021 and 58/2021 regarding the TET scam.

2. Mr. S.B. Ghatol Patil, learned counsel for the petitioner invites our attention to the information obtained under Right to Information Act, 2005 and submitted that the petitioner has not been arrayed as accused in the abovesaid crimes and hence, the selection of the petitioner cannot be put on hold. He further contended that this Court has considered the issue

involved, which is covered by the order passed by this Court in Writ Petition Nos.6082/2024, 8534/2023 and other connected petitions, which were followed in Writ Petition (Stamp) No.14699/2024 and 6878/2024. Therefore, he urged for allowing the petition in view of the said decisions. He vehemently contended that the petitioners have no concern with the registration of the offences in Crime Nos. 56/2021 and 58/2021. The petitioners have obtained information under the Right to Information Act from the Police Inspector, Cyber Cell, Pune. The learned counsel has drawn our attention to the said information and submitted that the petitioners have not been arrayed as accused in the said crimes until the information was provided. Therefore, they urged that the petition be allowed.

3. Perusal of the information received under the Right to Information Act indicates that the petitioner has not been arrayed as accused in any criminal proceedings arising from Crime Nos.56/21 and 58/21, until this date, which would suggest that it does not impede for consideration of the petitioner for being appointed to the post of 'Shikshan Sevak'.

4. It is pertinent to note that, despite being afforded an opportunity, respondent Zilla Parishad, Ahilyanagar has failed

to file reply to the petition.

5. During the pendency of the petition, the petitioner has filed an additional affidavit, submitting the information received under the Right to Information Act, to demonstrate that she is not involved in the said crimes.

6. We have also heard the learned A.G.P. and learned Counsel Mr. Nikam for the contesting respondent.

7. In the wake of the above and the dictum laid down in the cited judgments, we deem it appropriate to pass the following order :-

7. The petition is allowed by directing the respondents No. 7 and 5 to consider the case of the petitioner for appointment to the post of 'Shikshan Sevak' in case there is no other impediment in law.

8. Needless to clarify, liberty is granted to respondents No.7 to take necessary action against the petitioner if, in the future, it is found that she is involved in the aforementioned crime(s).

(SANDIPKUMAR C. MORE, J.)

(R.G. AVACHAT,J.)