



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10345 OF 2025

UTTAM BABUREDDY SANGANGIRE
VERSUS
SHUBHAM WAMANREDDY RAMASANE AND OTHERS

...
Advocate for the Petitioner : Mr. G. L. Deshpande
AGP for Respondents-State : Mr. Vaishali S. Chaudhari
Advocate for Respondent No. 1 : Ms. Pradnya Talekar h/f Talekar
And Associates (Through V.C.)
...

**CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

Dated : August 20, 2025

ORDER :-

1. The petitioner takes exception to the judgment and order dated 12.08.2025, passed by the learned Member, Maharashtra Administrative Tribunal (MAT), Aurangabad.
2. The petitioner alongwith respondent No. 1 and others applied for the post of Police Patil of village Kinhi, Tq. Degloor. They underwent written and oral examination as well. The petitioner was thereafter selected for the post of the Police Patil. The petitioner secured 72 marks while respondent No. 1 got 59 marks.
3. Since the petitioner was found to have secured highest marks, he was selected for the post. Respondent No. 1 made a

complaint to the Sub-Divisional Magistrate / Appointing Authority (Respondent No. 4) alleging that the petitioner have not produced Character Certificate. Respondent No. 4 called upon the petitioner to submit the Character Certificate from the Superintendent of Police, Nanded. In turn, the Superintendent of Police, Nanded issued the certificate indicating that the petitioner to have been convicted for the offence of gambling, punishable under Section 12-A of The Maharashtra Prevention of Gambling Act and the crime was registered against the petitioner for the offence punishable under Section 65-1(b) of The Maharashtra Prohibition Act. After having considered the petitioner's claim, the Sub-Divisional Magistrate / respondent No. 4 found the said Character Certificate to be relevant and issued the petitioner appointment order. In short, the Sub-Divisional Magistrate turned down the respondent No. 1's complaint. Respondent No. 1, therefore, approached the MAT by filing application (Original Application No. 348 of 2024). After having heard the parties thereto, the MAT passed the order impugned herein.

4. We have heard the learned Advocate for the petitioner, learned AGP for respondents-State and learned Advocate for respondent No. 1.

5. It was submitted on behalf of the petitioner that the offence of gambling was petty crime. It was not pending against the petitioner on the date he preferred the application for the post of Police Patil. The petitioner was simply sentenced to pay a fine of Rs. 200/-. Even no jail term was imposed. So far as the pendency of crime under the Maharashtra Prohibition Act is concerned, it was submitted that the said case was closed in terms of Section 258 of the Code of Criminal Procedure (CrPC). Learned Advocate for the petitioner relied on the Apex Court judgment in the case of **The State Bank of India Vs. P. Soupramaniane (AIR 2019 SC 2187)** to submit that even the conviction for offence under Section 324 of the Indian Penal Code (IPC) has been held to be not an offence involving moral turpitude. The respondent in the said case was allowed to continue in service with the petitioner-State Bank of India. Learned Advocate for the petitioner then relied on the judgment dated 31.07.2025 of the Himachal Pradesh High Court in case of **Yog Raj Vs. State of Himachal Pradesh and Ors. (C.W.P. No. 6233 of 2022)** to submit that the offence punishable under Sections 323 and 325 of IPC were of not such gravity to disentitle a person to continue in public employment. Learned Advocate, therefore, prays to allow the petition.

6. Learned Advocate for respondent No. 1 and the learned AGP for State on the other hand would submit that a Clause in the advertisement indicate that a candidate / applicant was supposed to produce Character Certificate. To be specific, we reproduce the Clause phraseology in the advertisement.

निवड व कार्यपद्धती, अटी व शर्ती :-

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४. अर्जदाराचे चारिज्य निष्कलंक असल्याबाबतचे संबंधीत पोलीस स्टेशनचे चारिज्य प्रमाणपत्र कागदपत्र पडताळणीच्या वेळी सादर करणे आवश्यक राहील.

7. It was further submitted that the petitioner did not produce the Character Certificate. It was produced only after the respondent No. 1 made a complaint then the Sub-Divisional Magistrate called upon the petitioner to place before him the Character Certificate. The petitioner thereafter applied in the month of February 2025 and obtained the Character Certificate indicating the aforesaid two crimes against him. According to them, the conviction of the petitioner for the offence punishable under Section 12-A of the Maharashtra Prevention of Gambling Act would disentitle him for the post of Police Patil. According to them, the

services to be performed by the Police Patil would indicate that involvement of the petitioner in prohibition and gambling cases would render him unfit / disqualify to hold the post. They therefore urge for dismissal of the petition.

8. It is not in dispute that the petitioner pleaded guilty to the offence punishable under Section 12-A of the Maharashtra Prevention of Gambling Act and therefore, sentenced to pay fine of Rs. 200/-. This happened just a month or two before the petitioner preferred an application for the post of Police Patil. Although the offence of gambling may sound to be a petty offence, in our considered view, the same would have very much bearing on the petitioner holding a post of Police Patil. By no stretch of the imagination, for the post of Police Patil, the said crime could be turned to be petty offence. Since the petitioner pleaded guilty to the said offence, we cannot sit in appeal against his conviction, in this proceeding to find whether he was really involved in gambling.

9. So far as the prohibition case is concerned, the same was closed in terms of Section 258 of CrPC. Consequence thereof is that of discharge, if no charge or plea is recorded and if the case is closed post recording of some evidence in the case, the result is of

acquittal. The case was closed on the ground that the petitioner and the other co-accused therein did not appear before the Court. It was the contention that the prosecution failed to secure presence of the accused including the petitioner herein, before the Trial Court. As such, the closure of the above-said case before recording of plea of guilty or framing of the charge would at the most be discharged from the case. No honourable acquittal.

10. We find the petitioner's involvement in the offence of gambling and prohibition case disentitle him to continue to hold the office of Police Patil. We, therefore, find no reason to interfere with the order impugned herein. The petition, therefore, fails and the same is dismissed.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

Omkar Joshi