



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

**1037 WRIT PETITION NO. 12789 OF 2024**

**AHFAAZ KHAN ATAULLAH KHAN AND OTHERS  
VERSUS  
STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND  
OTHERS**

...

Mr. R.D. Korade & Mr. R.A. Shinde,  
Advocates for the petitioners.

Mr. S.K. Tambe, A.G.P. for respondent Nos.1, 2, 6 & 7.

Mr. D.S. Bagul, Advocate for respondent No.3.

Mr. A.R. Nikam, Advocate for respondent No.5.

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

**DATED : 8 MAY 2025**

**P.C. :**

1. The petition questions the impugned orders whereby, despite the petitioners' selection as 'Shikshan Sevak', the further appointment process has been stalled and kept on hold on account of the registration of Crime Nos. 56/2021 and 58/2021 regarding the TET scam.

2. Mr. Karode, learned counsel for the petitioners invites our attention to the information obtained under Right to Information Act, 2005 and the certified copy of the Charge Sheet obtained from the Judicial Magistrate First Class, Pune in Crime No.56/2021 vide R.C.C.No.992/2022 and in Crime No.58/2021 vide R.C.C.No.1003/2022 and submitted that the

petitioners have not been arrayed as accused in the said Charge Sheet, hence, the selection of the petitioners 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, as well as Charge sheet, indicates that the petitioners have 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 petitioners for being appointed to the post

of 'Shikshan Sevak'.

4. It is pertinent to note that, despite being afforded an opportunity, respondent Municipal Council, Nandurbar has failed to file reply to the petition.

5. During the pendency of the petition, the petitioners have filed an additional affidavit, submitting the information received under the Right to Information Act, to demonstrate that they are not involved in the said crimes.

6. 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 petitions are allowed by directing the respondents No. 3 and 5 to consider the case of the petitioners 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.3 and 4 to take necessary action against the petitioners if, in the future, it is found that they are involved in the aforementioned crime(s).

**(SANDIPKUMAR C. MORE, J.)**

**(R.G. AVACHAT,J.)**

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