



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.447 OF 2025

Satish s/o Baburao Mendhe

Vs.

The Special Investigation Team, through Assistant Commissioner of
Police, Sadar, Nagpur and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Anil S. Mardikar, Senior Counsel a/b Mr. N. B. Kalwaghe, Counsel for
the applicant.

Mr. D. V. Chauhan, Public Prosecutor along with Mr. N. B. Jawade, APP for
State.

CORAM : URMILA JOSHI-PHALKE, J.
RESERVED ON : 29.07.2025
PRONOUNCED ON : 12.08.2025

1. Apprehending the arrest at the hands of police in connection with Crime No.24/2025 registered with Cyber Police Station, Nagpur for the offence punishable under Sections 66(c) of the Information Technology Act, under Sections 318(4), 319(2), 336(3), 338, 340(1), 340(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Ravindra Patil, who is working as a Junior Administrative Officer at the office of the Deputy Director of Education, Nagpur Division since 01.09.2021. The said office had received complaints

about the creation of bogus Shalarcha IDs and withdrawal of salary on the basis of the same, by the teachers of private unaided schools, which are not in existence. Therefore, on 23.08.2024 a Committee to examine these allegations was formed. During the inquiry, it revealed that without there being creation of Shalarcha IDs by the office of the Deputy Director of Education, Nagpur Division, the Shalarcha IDs were created, without the draft for the same, being generated by the office of Deputy Director. A detailed complaint was filed in which a list of 680 fake IDs were verified, in which the original orders for creating the Shalarcha IDs were not passed. Those were created by using the online ID and password dishonestly, since 20.03.2019. On the basis of the said report, police have registered the crime against the present applicant and the other co-accused.

3. Heard learned Senior Counsel for the applicant, who submitted that applicant was working from 01.01.2019 till 01.03.2020 as incharge Deputy Director of Education, Nagpur. On 31.05.2020 he is retired from service. He invited my attention towards the Government Resolution of year 2012 and submitted that as per the said Government Resolution it was the duty of the headmaster to fill up the details for creation of Shalarcha IDs and thereafter, it was forwarded to the office of the Deputy Director of Education. As far as the present applicant is concerned, he has no responsibility and

the entire responsibility was of the headmaster. He invited my attention towards the observation of this Court in **Writ Petition No.8966/2021 [Amol Baban Sangar Vs. The State of Maharashtra, through its Secretary School Education and Sports Department, Mantralaya, Mumbai and others]** decided on 21.02.2022 wherein this Court has observed that in number of judgments, this Court while reiterating the law declared by this Court observed that once an approval is granted the Education Officer to the appointment of school employees, the Deputy Director, Education would have no jurisdiction to refuse to enter the name of school employees in the Shalarth system. He submitted that this observation itself sufficiently shows that the Deputy Director has no role to play. Merely on suspicion, the applicant is arraigned as an accused. He submitted that the applicant was working on a post of incharge Deputy Director for a very short period from 01.01.2019 till 01.03.2020. The entire service career of the applicant was unblemished and clean. During the tenure of the applicant, he has not included the names of any employees as much as 83 employees as alleged in Shalarth Pranali by creating bogus Shalarth IDs and draft and never signed such documents. The name of the applicant is not mentioned in the FIR and the entire prosecution story mainly revolves around the Officer, who is the successor of the present applicant. The successor of the present applicant Mr. Narad had

already been released on bail by the learned Additional Sessions Judge. In the year 2012, the Government of Maharashtra introduced a crucial administrative reform by issuing a Government Resolution mandating that all records, documents and financial data related to school teachers, including their appointments, transfers, salary disbursement be maintained through online portal known as 'Shalarth Pranali'. This step was taken to ensure transparency, accountability and efficiency in the functioning of Education Department. The Shararth Pranali system is being introduced to streamline the process of disbursement of the salary, payment and other financial benefits to the teaching and non-teaching. Thus, Government Resolution dated 07.11.2012 authorized the headmaster for data entry with respect to the credentials of the teaching and non-teaching staffs and the present applicant being Deputy Director had no role to play. In view of that, his custodial interrogation is not required and therefore, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that the recruitment of the teachers was not made since 2012, in the State of Maharashtra. By Government Resolution dated 20.03.2019 the Deputy Director of Education was given the authority to include the names of teaching and non-teaching staff in Shalarth system. As per

the said Government Resolution, the concerned Education Officers used to grant approval to the employees and forward it to the office of the Deputy Director of Education. The detailed information regarding the said employee has to be filled in by the concerned school/management and further forwarded to the office of the Superintendent, Pay and Provident Fund. The Superintendent office has been granted power and duty to verify the said information and thereafter approve the salary in respect of the concerned employee. During the inquiry conducted by various authorities, it was found that there were huge irregularities in respect of grant of Shalarth IDs. The process of Shalarth ID creation has started in the tenure of the present applicant. The present applicant was Deputy Director and when he was holding the additional charge, 84 fake IDs were created on the basis of which, these private aided and partially aided teachers and non-teaching staff had drawn the salaries. In the Nagpur Division, 680 fake Shalarth IDs were created and the amount disbursed to the said employees is Rs.145,88,31,698/- which includes the arrears of the salary claimed by the teaching and non-teaching staff. Thus, the role of the present applicant reveals in the said crime, and therefore, the custodial interrogation is required as the investigation is at a crucial stage.

5. On hearing both sides and on perusal of the investigation papers, the informant has alleged that when he was working as a Junior Administration Officer in the office of the Deputy Director of Education, Nagpur Division, several complaints are received about creation of bogus Shalarth IDs and withdrawn of salary on the basis of the same by the teachers of private unaided schools which are not in existence therefore, the Committee was formed to conduct inquiry. During the inquiry, it revealed that without there being creation of Shalarth IDs by the Office of Deputy Director of Education, the IDs were created and generated from office of Deputy Director. Total 680 fake IDs were created regarding which original orders for creating the Shalarth IDs were not passed. Those were created by using online IDs and passwords since 20.03.2019. The applicant was incharge Deputy Director of Education, Nagpur Division since 01.01.2019 to 01.03.2020. During which, 84 fake Shalarth IDs were created. There was no recruitment process in the State of Maharashtra for filling the post of teachers. By Government Resolution dated 20.03.2019, the Deputy Director of Education authorized to include the names of teaching and non-teaching staff in Shalarth system. As per Government Resolution dated 20.03.2019, authority to include the names is given to the Deputy Director of Education of Division/Divisional President of Secondary and Higher Secondary. The procedure

laid down in the said Government Resolution is as follows:

(i) After approval by the Education Officer or Divisional President Secondary/Higher Secondary, the concerned school will send proposal to the Education Officer or Deputy Director or Divisional President of Secondary/Higher Secondary.

(ii) On receipt of proposal, the same is to be verified by Deputy Director of Education/Divisional President Secondary/Higher Secondary and pass order to include the name of the said employee in a Shalarth.

(iii) After order is passed by the Deputy Director/ Divisional President, Secondary and High Secondary name of the concerned employee is included in Shalarth Pranali.

(iv) After including the name of the employee in Shalarth Pranali, draft is made available on the login of the headmaster.

(v) The office of the headmaster will fill the remaining information and forward the draft to the Superintendent, Pay and Provident Fund unit, Zilla Parishad.

(vi) Superintendent, Pay and Provident Fund unit has to verify the information and sanction draft thereafter the Shalarth ID is generated.

6. The communication of the Director of Education shows list of 156 people permitted for the period 31.03.2019 to 31.03.2025, which was called and verified and it revealed that out of them without

any documents available with the Deputy Director of Education on which schools their Shalarth IDs were created. It further reveals that as per the Government Resolution dated 07.11.2012, the duty to prepare pay bill is of the office of the headmaster. Pay bills are prepared in the name of employees when there was no order to include his/her name in the Shalarth. It is pertinent to note that present applicant was Deputy Director of Education since 01.01.2019 to 01.03.2020 and was holding the Additional Charge of Deputy Director of Education. 84 fake IDs were created on the basis of which these private aided and partially aided teachers and non-teaching staff had drawn the salaries. The ID and password required for creating the Salarath ID was given to the Deputy Director of Education Division Nagpur and he is one of the responsible Officers of the Education Department, so as to avoid the irregularities and misappropriation if any. The applicant by directing the co-accused, who were working in his office had got created 84 fake IDs without having any documents, due to which these persons have continued not only draw their salaries, but some of them have also drawn the arrears of salary. Thus to create 84 Shalarath IDs, the applicant was duty-bound to verify whether the approval was granted by the Education Officer or not and without verifying the same, the applicant had created those Shalarth IDs. Due to the act of the present applicant, huge loss was caused to the State

Exchequer. The applicant was the first Deputy Director of Education in whose tenure, the creation of Shalarth IDs had started. The physical papers of the proposal on the basis of which these approvals are granted and IDs are created are not available either in the office of the Deputy Director of Education or in the concerned schools. Admittedly, the investigation is in the instant crime is at a very crucial stage and considering the role of the present applicant, who was responsible for creating the said IDs by verifying whether the approval was granted or not. However, the Shalarth IDs are created without verifying the same and caused huge loss to the State Exchequer and therefore, the custodial interrogation of the present applicant is required for the investigation purpose. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)