



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

CRIMINAL APPLICATION (BA) NO.676 OF 2025

Chintaman s/o Gulabrao Wanjari
Vs.

State of Maharashtra, Through Police Station Officer, Cyber Police Station,
Nagpur

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

Court's or Judge's orders

Mr. Akshay A. Naik, Senior Counsel a/b Mr. G. S. Gour, 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. The applicant came to be arrested on 22.05.2025 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.

2. The crime is registered on the basis of a 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 Shalarnya 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 Shalarth IDs by the office of the Deputy Director of Education, Nagpur Division, the Shalarth 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 Shalarth IDs were not passed. Those were created by using the online ID and password dishonestly, since 20.03.2019. Upon such detailed complaint being received, the crime was registered against the present applicant.

3. Heard learned Senior Counsel Mr. Akshay Naik for the applicant, who submitted that as per the Government Resolution dated 20.03.2019, the authority to enter names of teaching and non-teaching staff of aided schools into the Shalarth system is vested with the Divisional Deputy Director of Education. Proposals for such approvals are to be routed through the Shalarth system, verified by the Committee and acted upon in accordance with rules, with subsequent issuance of Shalarth IDs orders. On 07.11.2012, the school Education Department issued a Government Resolution introducing the Shalarth system a computerized platform for processing Shalarth salary payments of employees working in

schools managed by Zilla Parishads, Municipal Councils, Municipal Corporations and private managements. In accordance with the resolution, data pertaining to all teaching and non-teaching staff was required to be uploaded onto the Shalarth system. The responsibility for uploading this data was specifically entrusted to the headmaster of the concerned school. Thereafter, such data was to undergo verification and certification by the Block Education Officer and the Education Officer (Primary) of the Zilla Parishad for teachers employed in the school under the Zilla Parishad. In the case of employees serving in a private primary school, the task of verification and certification was assigned to the Superintendent (Primary) and the Pay and GPF Unit. The role of the Education Officer was limited to merely countersigning the data after the verification and certification process had already been completed by the appropriate Pay Unit. Similarly, in the context of Secondary and Higher Secondary schools, the Superintendent (Secondary) Pay Unit was responsible for verifying and certifying the data, while the Education Officer (Secondary) was only required to countersign. This clearly indicates that neither the Education Officer (Primary) nor the Education Officer (Secondary) holds any responsibility of verifying or certifying the uploaded data; rather, such responsibility is vested entirely with the respective Pay Units.

4. He further submitted that Clause 3 of the Government Resolution further clarified that the concerned Officers must verify the uploaded data from the headmaster with proper sign and seal before submitting it to the office of the Education Officer (Primary/Secondary). The Deputy Director of Education, Chief Executive Officer, Commissioner of Municipal Corporation or Collector, as applicable. Clause 9 mandated that headmasters of non-Zilla Parishad schools update monthly changes in the data, which was then to be reviewed by the Block Education Officer and forwarded to the Superintendent Pay Unit or relevant Administrative Officer for final verification and preparation of the salary bill. Thus, the applicant is the Education Officer, who is only assigned the role of countersigning the same. Thus, considering the limited role attributed to the present applicant, his further incarceration is not required and therefore, he be released on bail.

5. Learned APP strongly opposed the said application and submitted that the present applicant was incharge of the office of the Education Officer (Primary), Nagpur Division, Nagpur, since 13.06.2018 to 24.12.2021. During his tenure, 253 fake Shalarth IDs were created in respect of private aided and partially aided teachers and non-teaching staff. The applicant did not verify the proposals and intentionally for his financial benefit in conspiracy

with co-accused signed on the same, the involvement of the present applicant reveals. The applicant also did not comply with the direction in view of the Government Resolution dated 09.03.2019 and passed illegal approval orders for his own financial benefit. The applicant was therefore, arrested after following due procedure. The investigation is at a very crucial stage and therefore, the application deserves to be rejected.

6. Learned Senior Counsel for the applicant placed reliance on decision of **Pradip N. Sharma Vs. The State of Gujarat and another** reported in **(2025) SCC OnLine SC 457**, wherein it is observed that prosecution has not demonstrated any necessity for the custodial interrogation of the appellant beyond scrutiny of official records, which can be done without placing him in detention. He submitted that in view of observation of the Hon'ble Apex Court further incarceration of the applicant is not required and therefore, he be released on bail.

7. The applicant was working as a Deputy Director of Education, Nagpur Division. As per the allegation levelled against the applicant that when he was incharge of the office of the Education Officer (Primary), Nagpur Division, during his tenure, 253 fake Shalarth IDs were created in respect of private aided and partially aided teachers and non-teaching staff. The applicant did not verify the proposals and

granted approvals without verifying the documents. 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 procedure laid down in the said Government Resolution is as follows:

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

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

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

8. As per the said Government Resolution, the concerned Education Officer use to grant approval to the employees and forwarded to the office of Deputy Director of Education. Thereafter, detailed information regarding the said employees has to be filled by the concerned school management and further forwarded to the office of the Superintendent Pay and Provident Fund. The Superintendent's office has been granted the power and duty to verify the said information and thereafter, approve the salary bills in respect of the concerned employees. The present applicant has not complied with the direction in Government Resolution dated 09.03.2019 and passed illegal approval orders for his own financial benefit. The investigation papers further reveals that the applicant had not followed the direction and passed the approval orders by contravening the said Government Resolution. The investigation in the instant crime further reveals that the loss caused to the Government Exchequer, due to the creation of the 580 fake Shalarth IDs is up to Rs.145,88,31,698/-. Admittedly, the investigation is at a very preliminary stage and the involvement of the present applicant also reveals in a offence wherein a huge magnitude is involved and great loss is caused to the Government Exchequer. Thus,

considering the involvement of the present applicant in the alleged offence and considering the fact that the investigation is at crucial stage, at this stage, the application deserves to be rejected. At the most, liberty can be granted to the present applicant to approach this Court for grant of bail after filing of charge-sheet. In view of that, I proceed to pass following order:

ORDER

The application is rejected.

(URMILA JOSHI-PHALKE, J.)