



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

WRIT PETITION NO. 5831 OF 2024

- | | | |
|--|---|-----------------------|
| <p>1) Quddusiya Aafreen Imran Khan,
age 35 years, Occ : Nil,
R/o. Near Jama Masjid, Chandol,
Tah. and Dist.Buldhana</p> <p>2) Shaikh Soheb Shaikh Ayyub,
age 34 years, Occ : Nil,
R/o. Dadumiya Mohalla,
At Post Deulghat,Tq. &Dist.Buldhana</p> | } | .. Petitioners |
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Versus

- | | | |
|--|---|-----------------------|
| <p>1) State of Maharashtra, through
Education and Sports Department,
Mantralaya, Mumbai – 400 032</p> <p>2) Zilla Parishad, Buldhana,
Through its Chief Executive Officer,
District Buldhana</p> <p>3) The Education Officer (Primary)
Zilla Parishad, Buldhana</p> <p>4) Commissioner for Education,
Maharashtra State, Pune – 01</p> <p>5) Maharashtra State Council of
Examination, Pune, through its
Commissioner, Dr. Babasaheb
Ambedkar Road, Camp Pune – 01</p> | } | .. Respondents |
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WITH
WRIT PETITION NO. 5015 OF 2024

- | | | |
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| <p>Shaikh Munna Shaikh Zameer,
age 34 years, Occ : Nil,
R/o. Bombay Bakery Road,
Near Ayesha Masjid, Washim,
Tah. & Dist. Washim – 444 505</p> | } | .. Petitioner |
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Versus

- 1) State of Maharashtra,
through Secretary,
Education and Sports Department,
Mantralaya, Mumbai – 400 032
 - 2) Zilla Parishad, Amravati,
Through its Chief Executive Officer,
District Amravati
 - 3) The Education Officer (Primary)
Zilla Parishad, Amravati
 - 4) Maharashtra State Council of
Examination, Pune, through its
Commissioner, Dr. Babasaheb
Ambedkar Road, Camp Pune – 01
 - 5) Directorate of Education (Primary),
Maharashtra State, Central Building,
1st Floor, Dr. Annie Besant Road, Pune
City, Pune – 411002
 - 6) Commissioner for Education
Maharashtra State Pune – 01
- .. Respondents**

WRIT PETITION NO. 6082 OF 2024

Mohd. Iftekhhar S/o Mohd. Quddoos,
age : 35 years, Occ : Nil,
R/o. Yasinpura, Daryapur,
Tal. Daryapur, District Amravati

.. Petitioner

Versus

- 1) State of Maharashtra, through
Education and Sports Department,
Mantralaya, Mumbai – 400 032
 - 2) Zilla Parishad, Amravati,
Through its Chief Executive Officer,
District Amravati
 - 3) The Education Officer (Primary)
Zilla Parishad, Amravati
 - 4) Commissioner for Education,
Maharashtra State, Pune – 01
- .. Respondents**

- 5) Maharashtra State Council of Examination, Pune, through its Commissioner, Dr. Babasaheb Ambedkar Road, Camp Pune – 01

Mr.Ram Karode, Advocate for petitioners.

Mr.S.M.Ukey, Addl. G.P. for respondent/State.

Mr. P.B. Patil, Advocate for the respondent – Maharashtra State Council of Examination, Pune.

Ms. H.N. Jaipurkar, Advocate holding for Mr. B.N. Jaipurkar, Advocate for respondent Nos. 2 and 3 in WP 5831/2024.

Mr. S.R. Puddatwar, Advocate holding for Mr. D.M. Kale, Advocate for respondent Nos. 2 and 3 in WP 5015/2024.

Mr.Buddha, Advocate holding for Mr. M.A. Sable, Advocate for respondent Nos. 2 and 3 in WP 6082/2024.

**CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 05/04/2025

ORAL JUDGMENT (PER : ABHAY J. MANTRI, J.)

Heard. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel appearing for the parties.

(2) The issue raised in these petitions is identical; therefore, they are being decided by this common judgment. The petitions question the order passed by respondent No.4, 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.

(3) 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 petitioners have not been arrayed as accused in the said Charge Sheet, hence, the selection of the petitioners in all these petitions 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.

(4) 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'.

(5) It is pertinent to note that, despite being afforded an opportunity, respondents Zilla Parishad Buldhana and Amravati in their respective petitions failed to file their replies to the petition.

(6) 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.

(7) Mr. Ukey, learned Additional Government Pleader submitted that the respondent Maharashtra State Council of Examination Pune, vide its communication dated 17/05/2024, requested the Police Authorities, Pune to verify the character of the petitioners, in relation to Crime Nos.56/2021 and 58/2021 have been registered against the teachers involved in the scam of the Shikshan Sevak examination, and offences have been registered against them. He has gone through the information received by the petitioners under

the Right to Information Act. He does not dispute this, but rather submits that if, in the future, the petitioners' involvement in the aforementioned crime is found, liberty may be granted to take the necessary steps and prays for the passing of the appropriate order.

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

(9) The petitions are allowed by directing the respondents No. 2 and 3 to consider the case of the petitioners for appointment to the post of 'Shikshan Sevak' in case there is no other impediment in law.

(10) Needless to clarify, liberty is granted to respondents No.2 and 3 to take necessary action against the petitioners if, in the future, it is found that they are involved in the aforementioned crime(s).

(11) Rule is partly made absolute in the above terms.

[ABHAY J. MANTRI, J.]

[AVINASH G. GHAROTE, J.]

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