



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

WRIT PETITION NO. 4280 OF 2024

(Shrikrishna S/o Uddhavrao Sonwane & Anr.

Vs.

State of Maharashtra, Thr. Education and Sports Department,
Mantralaya, Mumbai & Ors.)

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

Court's or Judge's orders

Mr. R.D. Karode, Advocate for the Petitioners.
Mr. S.M. Ukey, Addl.GP for the Respondent(s)/State.
Mr. A.Y. Kapgate, Advocate for the Respondent Nos. 2 & 3.

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

DATED : 7th APRIL, 2025

1. Heard.
2. The Petitioners who had applied for being appointed as Shikshan Sevak and were selected, however, since it was brought to the notice of the Respondent No.3, that the Petitioners were involved in some Test Eligibility Test (for short “TET”) fraud/scam, the communication was addressed to the Police Inspector Cyber Cell, Pune. Since there was no response, this petition has been filed.
3. During the pendency of the petition, respondent No.2 terminated the petitioners vide termination orders dated 10-3-2025 and 11-3-2025 on the ground that their names were found in Crime No.56/2021. The termination orders

were served on the petitioners through the Block Education Officer, Panchayat Samiti, Deori. Accordingly, the petitioners challenged the said orders through an amendment.

4. Mr. Karode, learned Counsel for the Petitioners, submitted that the Petitioners have obtained a report under the RTI Act, and their names have not been reflected in the charge sheet arising out of Crime Nos. 56/2021 and 58/2021, and therefore, he submitted that the issue involved in the present case is covered by the decision laid down in Writ Petition No.6878/2024 decided on 04.02.2025. Accordingly, he urged for allowing the Petition in view of what has been held in the said Writ Petition.

5. Mr. Kapgate, learned Counsel for the Respondent Nos. 2 and 3, strongly resisted the Petition contending that the Senior Police Inspector of Cyber Cell, Pune has issued the communication to Petitioner No.2, wherein it has been stated that during the investigation it was found to him that the Petitioners have increased the marks in TET fraud. Therefore, he contended that the Petitioners are not entitled to the reliefs as claimed.

6. It is pertinent to note that, though the Senior Police Inspector of Cyber Cell, Pune has observed in communication dated 18.03.2025 about the increase of the marks of the Petitioner No.2 in TET fraud, however, the information obtained by the Petitioners under the RTI Act as well as the certified copy of the charge-sheet do not reflect that they are implicated in the present crime till this date, and

therefore, in view of what has been held in Writ Petition No. 6878/2024 is applicable in the case at hand.

7. The information received under the RTI Act and the certified copy of the charge sheet clearly indicate that the Petitioners have not been added as accused in any criminal proceedings arising out of Crime Nos. 56/2021 and 58/2021 till date, indicating that the impediment to consider their names for appointment as Shikshan Sevak does not survive. We, therefore, **allow** the Petition. The termination orders dated 10.03.2025 and 11.03.2025 issued by Respondent No.2, Chief Executive Officer, Zilla Parishad, Gondia, are hereby quashed and set aside. As a sequel, Respondent Nos. 2 and 3 are directed to consider the petitioners' case for appointment to the post of Shikshan Sevaks, provided there is no impediment under law.

8. Needless to clarify, Respondent Nos. 2 and 3 are granted liberty to take suitable action if it is found that the Petitioners' names will be included in the charge sheet in the future.

9. Pending application/s, if any, shall stand disposed of accordingly.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)