



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

WRIT PETITION NO. 4530 OF 2024

Sohail Ahmed Ansari Khaleel Ahmed,
Aged about 32 yrs, Occ. Service,
R/o. Millat Nagar, Anjangaon Road,
Akot, District Akola

..... **PETITIONER**

...VERSUS...

1. State of Maharashtra,
through Education and Sports Department,
Mantralaya, Mumbai 400 032

2. Municipal Council, Daryapur,
District Amravati,
through its Chief Officer,

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 411 002

6. Commissioner for Education,
Maharashtra State Pune - 01

....**RESPONDENTS**

Mr. R.D. Karode, Advocate for Petitioner.

Mr. A.A. Madiwale, AGP, for respondent Nos.1 & 6/State.

Mr. R.J. Kankale, Advocate for respondent No. 2.

Mr. P.B. Patil, Advocate for respondent No. 4.

CORAM:- AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.

DATE : 09.04.2025

JUDGMENT (Per : Abhay J. Mantri, J.)

Heard finally with the consent of the learned Advocate for the parties.

2. The petitioner challenges the orders dated 23.07.2024 and 25.07.2024, issued by respondent No. 2, the Municipal Council, Daryapur, which terminated the petitioner's service for violating Condition No. 13 of the appointment order and cancelled the appointment order with immediate effect.

3. Pursuant to the notification dated 07.11.2019, the petitioner passed the Maharashtra Teacher Eligibility Test (for short, '*MAHATET*') examination of 2019. He has also passed the Teachers Aptitude and Intelligence Test (for short, '*TAIT*'). Accordingly, he was selected as a Shikshan Sevak for a period of three years, subject to the terms and conditions outlined in the appointment order. Accordingly, in view of the order dated 15.03.2024, he resumed his duty at Shahid A. Hamid MU Urdu Boys School No. 11.

4. Respondent No. 4, the Maharashtra State Council of Examination, Pune, vide its communication dated 22.03.2024, requested respondent No. 2 to verify the character of the Shikshan Sevak, i.e., the petitioner, in relation to Crime Nos. 56/2021 and 58/2021 which have been registered against the teachers involved in the scam of the Shikshan Sevak examination, and offences have been registered against them. Pursuant to the aforementioned communication, respondent No. 2 sought a character certificate from the Cyber Cell, Pune, regarding the petitioner's involvement in the aforementioned crimes. The Cyber Cell, in its report dated 11.07.2024, has categorically recorded the petitioner's involvement in Crime No. 56/2021. As a result, the petitioner's services were terminated, and the appointment order was cancelled with immediate effect vide orders dated 23.07.2024 and 25.07.2024. Despite the petitioner's communication to the Cyber Cell, Pune, there was no response; hence, the petitioner has filed this petition.

5. Mr. Karode, the learned Counsel for the petitioner, vehemently contended that the petitioner has no concern with the registration of the offences, vide Crime Nos. 56/2021 and 58/2021. Accordingly, the petitioner has obtained information under the Right to

Information Act (for short, '*RTI Act*') from Sr. Police Inspector, Cyber Cell, Pune. The learned Counsel has drawn our attention to the said information and submitted that the petitioner has not been arrayed as an accused in the said crimes up to the time the information was provided, and therefore, he has urged that the petition be allowed.

6. It is pertinent to note that, despite being afforded the opportunity, respondents failed to file a reply to the petition. During the pendency of the petition, the petitioner filed an additional affidavit, submitting the information received under the RTI Act, to demonstrate that he is not involved in the said crimes. Mr. Madiwale, the learned AGP, has gone through the information received by the applicant under the RTI Act. He has not disputed this, but rather submitted that if, in the future, the petitioner's involvement in the aforementioned crimes is found, liberty may be granted to take the necessary steps and prayed for the passing of the appropriate order.

7. At the outset, it appears that, based on the information received from the Cyber Cell, Pune, respondent No. 2 terminated the petitioner's services on the ground of violating Condition No. 13 of the appointment order. However, a bare perusal of the information

received under the RTI indicates that the petitioner has not been arrayed as an accused in the criminal proceedings arising from Crime Nos. 56/2021 and 58/2021; therefore, it does not impede consideration of the petitioner for the appointment to the post of Shikshan Sevak.

In view of this, we allow the petition by setting aside the impugned orders dated 23.7.2024 and 25.7.2024 and direct reinstatement to the post of Shikshan Sevak provided there are no other impediments in law. Needless to clarify that liberty is granted to respondents No. 2 and 3 to take necessary action against the petitioner, if, in the future, it is found that he is involved in the aforementioned crime(s). The petition is disposed of in the above terms.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)