IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

WRIT PETITION NO. 7143 OF 2023

1. The State of Maharashtra
Through its Secretary
Revenue and Forest Department,
Mantralaya, Mumbai - 32

2. The Collector, Ahmednagar
Collector Office, Ahmednagar,
Dist. Ahmednagar.

3. The Dy. Collector (Residential),
(Revenue Branch), Collector Office,
Ahmednagar.

4. The District Selection Committee,
Collector Office, Ahmednagar.
Dist. Ahmednagar.

… Petitioners

Versus

1. Anirudha Ramrao Gavane
Age : 21 years, Occ : Business,
R/o At Karkhel KH Post, Deulgaon Ghat,
Tq. Ashti, Dist. Beed.

2. The Maharashtra Knowledge
Corporation Limited
Through its Sr. General Manager,
ICC Tower, "A" Wing, 5th Floor,
Senapti Bapat Road,
Shivaji road, Shivaji Nagar, Pune. … Respondents

.....

Ms. V.S. Chaudhari, AGP for Petitioners.
Shri Mahesh Bhosle, Advocate for Respondent No. 1
Shri Mohit Deshmukh, Advocate for Respondent No. 2

.....

CORAM : **ARUN R. PEDNEKER AND VAISHALI PATIL-JADHAV, JJ.**

DATED : **MARCH 17, 2026**

JUDGMENT (*Per* VAISHALI PATIL-JADHAV, J.) :-

Rule. Rule made returnable forthwith and heard finally with the consent of the learned counsel for the parties.

2. By the present petition under Article 226 and 227 of the Constitution of India, the petitioner/original respondent challenges the legality and validity of the impugned judgment and order dated 02.12.2022, passed by the Maharashtra Administrative Tribunal (MAT, for short) in Original Application No. 876/2016, whereby, the Tribunal allowed the Original Application filed by Respondent No. 1, directing the State to appoint him on the post of Talathi and quashed and set aside the communication/ order dated 18.07.2016, issued by the Collector, Ahmednagar, cancelling his selection to the post of Talathi.

3. **Brief facts of the case:**

The petitioners issued advertisement dated 11.08.2015, inviting online applications for recruitment to the post of Talathi, on the establishment of different Sub-Divisional Offices in Ahmednagar District. Pursuant to the advertisement, Respondent No. 1 submitted his online application on 20.08.2015 and was found eligible to appear for the written examination. He appeared for the examination on 13.09.2015 and was successful through all stages of the selection process. On

18.12.2015, he was called for document verification in the office of the Collector, Ahmednagar. Thereafter, the select list of candidates was published. His name was placed at Sr. No. 1 in the select list for the post of Talathi from the Open General (Project Affected) category.

4. After publication of the select list, persons named R.B. Gavhane, Damodhar Gajanan Ghule and two other unknown persons made separate written complaints dated 16.01.2016, 22.01.2016, 28.01.2016, respectively, to the petitioner against Respondent No. 1, alleging that Respondent No. 1 affixed his brother's photograph on online form and admit card and that he did not himself appear for the written examination instead the said written examination was attended by his real brother, namely Ganesh Ramrao Gavhane. It was further alleged that, by doing so, both of them played fraud and therefore, the selection of Respondent No. 1 should be cancelled.

5. On the basis of the complaints, the Collector initiated enquiry and issued a show cause notice dated 15.02.2016 to Respondent No. 1 and his brother seeking their explanation. Respondent No. 1 submitted his reply on 16.02.2016, denying the allegations and stated that he had personally appeared for the examination. In his reply, he stated that since he was not having his latest photograph while uploading the exam form, he had affixed his old photograph. He further

stated that he was allowed entry in the examination hall only after he showed his Aadhar Card, Election Card and PAN Card.

6. Petitioner had also issued notice dated 23.05.2016 to Respondent No.1, his brother Ganesh Gavhane, A.A. Maniyar- Observer at the Examination Hall, W.G. Gholve- Supervisor, and V.M. Chavan- Deputy Centre Head of Centre No.24, calling for their explanation as to whether the brother of Respondent No.1 had attended the examination instead of him by affixing his brother's photograph on the examination form submitted online as well as on the admit card. All of them replied to the notice by reply dated 03.06.2016 and 06.06.2016. The Observer, Supervisor and Deputy Centre Head of Centre No.24 of the examination centre replied that during the conduct of the written examination for the post of Talathi on 13.09.2015, they did not find any irregularity with regard to the photograph, signature or identity card of Respondent No.1. Ganesh Gavhane also replied that he did not attend the examination and it was Respondent No.1 who had attended the examination.

7. During the enquiry, the Petitioner compared the signature and photograph of Respondent No.1 with the documents submitted by him for verification and found that the photograph and signature on the admit card and online form were visually different. Upon considering the material collected during the enquiry, the Collector, Ahmednagar,

issued an order dated 18.07.2016, cancelling the selection of Respondent No. 1 to the post of Talathi.

8. Being aggrieved by the communication dated 18.07.2016, Respondent No. 1 filed Original Application No. 876/2016 before the MAT, challenging the cancellation of his selection.

9. During the pendency of proceedings before the Tribunal, a criminal case bearing Crime No. I-239/2016 came to be registered against Respondent No. 1 and his brother for offences punishable under Sections 420, 462, 465, 471 read with Section 34 of the Indian Penal Code, based on the allegations of impersonation in the examination. By judgment and order dated 16.01.2020 in R.C.C. No.472/2016, Respondent No. 1 and his brother were acquitted of the said charges.

10. Upon receipt of notice, the present petitioner appeared in the said Original Application before the learned MAT and filed a reply opposing the same. Upon considering the material placed on record, the MAT, by recording its findings, allowed the Original Application by setting aside the communication dated 18.07.2016 and directed the authorities to appoint Respondent No. 1 on the post of Talathi pursuant to his selection as per the select list from the Open General (Project Affected) Category, in accordance with law, within a period of two months from the date of the order and if required, by creating a

supernumerary post by giving seniority and all other service benefits w.e.f. the date of filing Original Application i.e. 08.11.2016, calculating notionally but without any back wages as, he had not actually worked for that period.

11. Being aggrieved and dissatisfied by the judgment and order dated 02.12.2022 passed by the MAT, Aurangabad Bench, the petitioners-original respondents have filed the present writ petition, challenging the same and praying for setting aside the said judgment and order.

12. Learned A.G.P. Ms. V.S. Chaudhari would submit that, in view of the complaint alleging that Respondent No. 1 never appeared for the written examination and that instead his real brother, Ganesh Gavhane, appeared for the examination and got selected by playing fraud, an enquiry was conducted. In the enquiry, it was found that there was a difference between photographs on the online application, admit card, and other documents submitted by respondent no.1 at the time of verification. The signature on various documents was also found to be different. She would further submit that a written explanation was called from Respondent No. 1 and his brother, which was not satisfactory. Hence, after being satisfied with the enquiry, the petitioner has rightly cancelled the selection of Respondent No. 1.

13. Learned A.G.P. would further submit that the MAT has unnecessarily emphasized on the acquittal of Respondent No. 1 and his brother in RCC No. 472/2016, as the requirements of proof in criminal proceedings and civil enquiry are different. In civil enquiry, strict proof is not required as in criminal proceedings. Moreover, the State has filed an appeal against the judgment in RCC No. 472/2016, and as an appeal is a continuation of the trial, the findings in RCC No.472/2016 cannot be treated as conclusive, as the judgment has not yet attained finality.

14. Per-contra, learned Advocate for Respondent No. 1, Shri M. S. Bhosale, would submit that the complaint was filed by one Shri R. B. Gavhane and Damodhar Gajanan Ghule and two unknown persons alleging that Respondent No. 1 did not appear for the Talathi examination and that instead his brother, Ganesh Gavhane, appeared for the examination impersonating Respondent No. 1. The petitioners entertained the complaint of the strangers who never appeared before the Collector during the enquiry though called nor submitted any proof in support of their allegations. Moreover, none of them had participated in the selection process. He would thus submit that the Collector ought not to have entertained the complaint filed by third persons who had no locus standi, as their rights of whatsoever nature were not violated.

He would further submit that during the enquiry, statements of Respondent No. 1, his brother, the Invigilator, Supervisor

and the Deputy Centre Head of the written examination centre were recorded. None of them have supported the allegations made in the complaint. He would further submit that the enquiry report and the cancellation of selection on the basis of the enquiry report are without any cogent material on record and were made without calling for the opinion of handwriting expert on the alleged documents. Learned counsel for the respondent submitted that the learned MAT considered all aspects of the matter and allowed the Original Application and there is no perversity in the impugned judgment and therefore, no interference is called for in the present petition. Hence, he supported the judgment and order of the MAT and prayed for dismissal of the petition.

15. Heard learned A.G.P. for the petitioners and learned counsel for respondents nos.1 and 2.

16. We have perused the contents of the present petition, its annexures and also the impugned judgment and order dated 02.12.2022.

17. The Collector initiated enquiry on the basis of complaints wherein the names of R. B. Gavhane and Damodhar Gajanan Ghule were mentioned. In two other complaints, no names were written. The Collector had also called the complainants during the enquiry, but none of them appeared. We specifically asked the learned AGP as to the rules

or powers under which the Collector initiated the enquiry; however, the AGP was unable to point out the same.

18. During the enquiry, the Collector recorded the statements of Respondent No. 1 and his real brother, Ganesh Gavhane. Written explanations were also called from Smt. A. A. Maniyar, who was the Observer, Mr.W. G. Gholve-Supervisor, and Mr.V. M. Chavan- the Deputy Centre Head of Centre No. 24, where the written examination for the post of Talathi was conducted on 13.09.2015. A perusal of the statement of Observer/Invigilator would show that during the written examination no irregularities regarding the photograph, signature or identity were found or noticed.

19. Respondent No. 1 had submitted his D.Ed. certificate, B.A. marksheet and MS-CIT certificate at the time of verification of documents after the select list was published. The complainant had filed, along with the complaint online form and admit card of Respondent No. 1. The Collector compared the photograph of Respondent No. 1 on the certificates and the admit card with the photograph on the online form uploaded by Respondent No. 1. Considering the allegation that the photograph on the admit card and the application form was different from the photograph on the documents submitted by Respondent No. 1, and that the signature of Respondent No. 1 also differed from the signatures on the documents submitted for verification as well as on the

online application form, admit card and attendance sheet, the Collector came to the conclusion that, prima facie, the photograph and signature were different. Admittedly, no expert handwriting opinion was called for by the petitioner.

20. As regards the complaints, the learned MAT has observed that names of two complainants, i.e., R.B. Gavhane and Damodar Gajanan Ghule, were mentioned in the complaint, but the other two complaints were filed by unknown persons. All of them consciously remained absent though notice was issued to them. As regards the written explanations given by V.M. Chavan- Deputy Centre Head of Centre No.24/Deputy Executive Officer dated 03.06.2016, W.G. Gholave- Supervisor dated 06.06.2016 and Smt. A.A. Maniyar- Observer/ Invigilator dated 06.06.2016, would show that during the conduct of written examination for the post of Talathi on the given date, i.e., 13.09.2016, no irregularity regarding the photographs or signature of Respondent No.1 was found or noticed. No discrepancy in the photograph or signature of Respondent No.1 was mentioned by the Invigilator, Observer and Supervisor in their explanations. Still, the petitioner, only on the basis of a **cursory examination/comparison**, came to the conclusion that Respondent No.1 himself did not appear for written examination and that it was attended by his real brother, Shri Ganesh Gavhane.

21. The learned MAT rightly observed that the findings of the petitioner were based only on strongest suspicion, which cannot be said to be an admissible evidence. The impugned communication dated 18.07.2016 was issued without considering that it would have far-reaching effects on the career of Respondent No.1, and the order should have been issued only after taking into consideration cogent and admissible evidence. The learned MAT before coming to the final conclusion had analyzed and considered the documents on record relied upon by the petitioner for issuing the impugned order and observed that the said material placed on record including the statements of Respondent No.1, his real brother Shri Ganesh Gavhane and explanations submitted by Smt. A. A. Maniyar-Observer, Mr.W. G. Gholve-Supervisor, and Mr.V. M. Chavan- Deputy Centre Head collectively would not be sufficient to hold that Respondent No.1 himself did not appear for the written examination held for the selection for the post of Talathi and that his brother, Ganesh Gavhane, attended it.

22. The learned MAT has further observed that, looking at the serious nature of allegations against Respondent No.1 and his brother, the petitioner should not have come to the conclusion only on the visual inspection of documents on record about the difference in photograph and signature. It is neither proper nor in accordance with law. Moreover, when the witnesses from the examination centre, where the written

examination was conducted, who were the most important witnesses, did not state anything adverse against Respondent No.1, the petitioner failed to take into consideration the written explanations given by those three witnesses.

23. As regards the pendency of the appeal in the High Court against the acquittal of respondent no.1 and his brother in R.C.C. No.472/2016, it will not come in the way of deciding this Writ Petition as, it is the trite principle of law that criminal proceedings and departmental or civil proceedings operate in different fields and are governed by different standards of proof. In this view, the subsequent event as that of the acquittal of respondent no.1 and his brother in criminal trial will prima facie fortify their defence that they have not committed any illegal act or offence. In such circumstances, a mere filing of appeal by the State against the order of acquittal cannot be a ground to disregard the findings recorded by the Tribunal. The Tribunal has independently considered the material placed on record and has found that there is no evidence against the respondents. The contention raised by the State on this count, therefore, cannot be accepted.

24. In the circumstances, we are of the considered view that there is no perversity in the impugned judgment and order dated 02.12.2022 passed by the learned MAT in Original Application No.876/2016 and this is not a fit case to exercise extra-ordinary

jurisdiction to interfere in the impugned judgment and order and hence, we are not inclined to accept the submissions advanced by the learned AGP for the petitioners herein, and therefore, the present petition being devoid of any merit deserves to be dismissed.

25. In the result, the present petition being sans merits, stands dismissed. In the facts and circumstances, there shall be no order as to costs. Rule stands discharged, accordingly.

(VAISHALI PATIL-JADHAV, J.) **(ARUN R. PEDNEKER, J.)**

sga