



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13256 OF 2024
IN WRIT PETITION NO. 1007 OF 2024

Bhagyashri Hanmant Gore

..APPLICANT

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. Abhijit Chaudhary, Advocate h/f Mr. S.M. Jadhao, Advocate for applicant
Mr. S.B. Pulkundwar, A.G.P. for respondent - State

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CORAM : R.G. AVACHAT AND
SANDIPKUMAR C. MORE, JJ.
DATE : 15th APRIL, 2025

PER COURT :

1. Heard.
2. The applicant is seeking direction to Respondent No.8 for submitting her monthly salary bills from 01st January, 2023 onwards to Respondent Nos. 5 and 6; and Respondent Nos. 5 and 6 are to be directed to send the salary bills and release the regular monthly salary of the applicant.
3. Learned counsel for Respondent No.2 pointed out that it was found the applicant to have been involved in the scam in the TET Examination 2019-20, and therefore, an enquiry in that regard is going on. He further submits that subject to outcome of the said enquiry, no salary can be released.

4. However, learned counsel for the applicant relied on the order of this Court in Writ Petition No. 11121 of 2023 dated 07th September, 2023 wherein the other teachers, who had not qualified TET, have also been granted salary subject to outcome of the issue regarding TET qualification, which is also subjudice before the Supreme Court wherein status-quo order is granted. He also relied on the order dated 20th March, 2024 passed by this Court in Writ Petition No. 2911 of 2024, which reads thus :-

“3. The Petitioner is involved in the TET exam result scam. His performance in the said TET examination has been cancelled. He has been restrained from appearing for any other TET exam until further orders. Criminal investigation has been initiated. In some cases, departmental enquiries have also been initiated.

4. In Writ Petition No. 10956/2022 (Kundalik Bhanudas Rathod and Others Vs. State of Maharashtra and Others), this Court has passed an order on 17.11.2022 concluding in paragraph nos. 2 to 8 as under:

2. Needless to state, there is no dispute that all these petitioners, being similarly situated, have been subjected to the same impugned order dated 14.10.2022, passed by the Commissioner, Maharashtra State Examination Authority, Pune. It is undisputed that no inquiries have been conducted against the petitioners in view of the judgment delivered by the Hon'ble Supreme Court in Nidhi Kaim Versus State of Madhya Pradesh and others [(2016) 7 Supreme Court Cases 615]. We also find from the impugned order that there is no discussion of any nature, whatsoever as regards the material available against these petitioners for the purpose of drawing a conclusion that they are guilty of mal-practices in the TET examination, which was conducted on 15.07.2018, online. The results were declared on 12.10.2018.

3. The impugned order only reflects a conclusion drawn by the competent authority that these petitioners are guilty and deserve to be punished. There is an annexure appended to the impugned order, which only states the type of punishment which is to be awarded. For clarity, we are reproducing the relevant portion hereunder :-

"ज्याअर्थी, महाराष्ट्र राज्य परीक्षा परिषद, राज्य परिषद समिती सभा क्र. १२५ ठराव क्र. ३७२ दि. २९/०९/२०२२ अन्वये पुढील प्रमाणे ठराव पारीत करण्यात आलेला आहे.

अ) परिशिष्ट — अ मध्ये नमुद ७७९ उमेदवारांच्या गुणामध्ये फेरफार करून अपात्र असतांना देखील अंतरिम/अंतिम निकालामध्ये सदर उमेदवारांना पात्राहीर करण्यात आलेले आहे. सबब सदर उमेदवारांच्या बाबतीत पुढील प्रमाणे कारवाई प्रस्तावित करण्यात येत आहे.

—उमेदवारांची सदर परिक्षेतील संपूर्ण संपादनूक रद्द करून यापुढे घेण्यात येणा—या शिक्षक पात्रता परिक्षेसाठी कायमस्वरूपी प्रतिबंधित करणे.

ब) परिशिष्ट ब मध्ये नमुद ८८४ उमेदवार हे अंतरिम/अंतिम निकालामध्ये अपात्र आहेत. त्यामुळे त्यांना परीक्षा परिषदेच्या विहित पध्दतीने प्रमाणपत्र वितरित झालेले नाहीत. तथापि त्यांनी बनावट प्रमाणपत्र प्राप्त करून घेतलेले आहे अथवा प्रमाणपत्र प्राप्त करण्याचा प्रयत्न केलेला आहे. सबब सदर उमेदवारांच्या बाबतीत पुढील प्रमाणे कारवाई प्रस्तावित करण्यात येत आहे.

—उमेदवारांची सदर परिक्षेतील संपूर्ण संपादनूक रद्द करून यापुढे घेण्यात येणा—या शिक्षक पात्रता परिक्षेसाठी कायमस्वरूपी प्रतिबंधित करणे.

त्याअर्थी, आत्ता महाराष्ट्र राज्य परीक्षा परिषद अधिनियम १९९८ भाग २ प्रकरण ५ मधील कलम ८ उपनियम (२)(य) मध्ये दिलेल्या अधिकाराचा वापर करून सोबत दिलेल्या परिशिष्ट अ, ब, क समाविष्ट परीक्षार्थी/उमेदवार यांचे विरुद्ध त्यांचे नावासमोर नमूद प्रमाणे शास्ती निश्चित करित आहे."

4. We are informed that in some matters preferred by the Assistant Teachers, who are employed in the minority institutions at Nagpur, ad-interim protection has been granted. An order passed by this Court at the Principal Seat dated 08.09.2022 in WP No.10404/2022, WP No.10441/2022 and WP No.10395/2022, Mahendra Hilal Bhamare and another Vs. State of Maharashtra and others, group of cases, is also placed before us, wherein it has been recorded that some of the petitioners are employed in the Higher Secondary Section, some are employed as Assistant Teachers and some are working as Clerk. In the cases before us, these petitioners are working as 'Assistant Teachers'.

5. *This Court at the Principal Seat, therefore, ordered in paragraph No.7, "further adverse action may not be taken against the petitioners on the basis of the impugned orders." It is then stated in paragraph No.8, "It is further submitted that in WP No.10441/2022, the employer has terminated the service of the petitioner therein." It was then recorded that such petitioners would take appropriate steps.*

6. *In view of the above, issue notice to the respondents, returnable on 05.12.2022. The learned AGP waives service of notice on behalf of respondent Nos.1, 3 and 4. Mr Nikam, the learned Advocate waives service of notice on behalf of respondent No.2. Until further orders, by way of an ad-interim protection, we direct that the services of these petitioners shall not be terminated, if not yet terminated, only on the basis of the impugned order. Their salaries shall be paid to them in view of they being on duty and on the condition of attending duties and performing their jobs. Increments, if any, shall not be granted to these petitioners without the leave of the Court. This protection is limited to the impugned order, meaning thereby that, if any petitioner is liable for any action unconnected with the impugned order, the Management would be at liberty to follow the due procedure for initiating appropriate action.*

7. *Needless to state, insofar as the investigation in the FIR that has been lodged and in the event any employer desires to initiate disciplinary action against any of these petitioners in connection with their conduct in the TET examination, the same shall proceed unhindered and the pendency of this petition would not be an impediment.*

8. *We make it clear that this is an ad-interim order. After the pleadings are complete, these matters would be listed for admission hearing and for grant of interim relief."*

5. Learned counsel for the applicant further submits that the applicant is ready to file an undertaking for returning the monetary benefits granted to her in case her involvement in TET scam is established. The applicant also undertakes to submit fresh proposal for inclusion her name in Shalarth ID to Respondent No.3 – Deputy Director of Education through Respondent Nos. 7 and 8.

6. The petitioners in Writ Petition Nos. 2378 of 2024, 5369 of 2024 and 5371 of 2024 were also allegedly involved in TET examination result scam. They too have been protected by this Court vide orders dated 18th March, 2025 and 25th April, 2025.

7. In view of above, we are inclined to allow the application. We direct Respondent No.8 to submit the applicant's monthly salary bills from 01st January, 2023 onwards to Respondent Nos. 5 and 6; and Respondent Nos. 5 and 6 shall send the salary bills and release the regular monthly salary of the applicant. Civil application stands disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)
SSD

(R.G. AVACHAT, J.)