

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1953 OF 2023

DIGAMBAR KISAN PAWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...
Advocate for the Petitioner : Shri S.S. Kazi
AGP for Respondents 1 to 3/State : Shri P.S. Patil
Advocate for Respondent 4 : Shri A.R. Nikam
...

CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.

DATE :- 20th February, 2023

Per Court :-

1. The petitioner has put forth prayer clauses B, C and

F as under:-

“B) *By issuing writ of mandamus or any other writ or direction in like nature, the impugned order dated 03.08.2022 issued by respondent no.4 be quashed and set aside qua the petitioner. And the name of petitioner mentioned at Serial No.1343 be quashed and set aside.*

C) *Pending hearing and final disposal of this writ petition, the execution and implementation of the impugned Order dated 03.08.2022 qua the petitioners be stayed.”*

“F) *The petitioner be permitted to appear for Teachers Aptitude Intelligence Test (TAIT) which is scheduled to be held in the last week of February, 2023.”*

2. In Writ Petition No.12207/2022 (***Digambar Kisan Pawar vs. The State of Maharashtra and others***), the petitioner had put forth prayer clauses C and F as under :-

- “C) *By issuing Writ of Mandamus or any appropriate Writ, order or direction in the like nature, impugned order dtd. 03.08.2022 issued by the Commissioner of Education, Maharashtra State Examination Council, Pune cancelling the eligibility in T.E.T. examination and debarring him permanently from appearing further T.E.T. examination to the extent of petitioner may kindly be quashed and set aside in the interest of justice.*”
- “F) *Pending hearing and final disposal of this Writ Petition the impugned order dated 03.08.2022 passed by the Commissioner, M.S.C.E., may kindly be stayed in the interest of justice.*”

3. In Writ Petition No.12207/2022 (supra), this Court had passed an order on 05.12.2022 and the services of the petitioner were protected as against the apprehension of termination. The salaries were also protected if he was working. He was deprived of increments, promotion and further service benefits until further orders as his result in the TET examination was cancelled on account of the TET scam. Yet, the petitioner has once again, practically sought the same reliefs in this petition by putting forth prayer clause B. As such, to this extent, this Writ

Petition stands dismissed by imposing costs of Rs.5000/-, which the petitioner will donate to the High Court Advocates' Association, Aurangabad Bench, within three weeks.

4. Insofar as prayer clause F put forth in this petition is concerned, it is beyond debate that unless a candidate has passed the TET, he cannot appear for the TAIT. In similar proceeding before the Principal Seat, this Court (Coram : G.S. Patel and Neela Gokhale, JJ.), has passed the order on 15.02.2023 in Writ Petition (Stamp) No.4434/2023 (*Snehal Mahendrasingh Girase vs. The State of Maharashtra and others*) and Writ Petition No.1824/2023 (*Pankaj Hari Pawar and others vs. The State of Maharashtra and others*) by which, this Court declined to grant any relief to the petitioner with regard to the permission to appear for the TAIT. It was held that the equities cannot be claimed by the said petitioners.

5. In the present case, unless the petitioner is absolved of the blot of being a part of the TET scam and unless an order cancelling the TET performance, is set aside by this Court, the petitioner cannot appear for the TAIT.

6. In view of the above, this Writ Petition fails and the same is, therefore, dismissed.

7. At this juncture, the learned advocate for the petitioner submits, on instructions, that the petitioner desires to withdraw this petition and would donate an amount of Rs.5000/- to the High Court Advocates' Association, Aurangabad Bench, on or before 04.03.2023.

8. In view of the above, this Writ Petition is disposed off as withdrawn, on instructions.

kps

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)