

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

903 WRIT PETITION NO.9715 OF 2023

UZMA SAMEEN KHIZRUL QUADRI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND

904 WRIT PETITION NO.9727 OF 2023

SHAH SHAHENAAZ BEGUM NAZEER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
AND

905 WRIT PETITION NO.9754 OF 2023

PATHAN MOHAMMAD CHAND KHAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

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Mr S. S. Thombre, Advocate for Petitioners,
Mr S. K. Tambe and Mr P. S. Patil, A.G.Ps. for Respondents/State
Mr P. D. Suryawanshi, Advocate for respondent No.3

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 29th August, 2023

ORDER:

1. In these matters, we had passed an order dated 22nd August, 2023 as under:

"1. In all these matters, we have perused the impugned notice dated 27/06/2023, wherein, on the one hand, the Commissioner, Maharashtra State Exam Council, Pune has informed the Petitioners' employer that, investigation with

regard to the involvement of the Petitioners in Teachers Eligibility Test Scam, is completed and offence is registered, and on the other hand, the Education Officer has issued the impugned notice to the Petitioners, informing that, because he desires to complete the formality of terminating their services, he desires to complete the procedure of issuing notice of hearing.

2. The learned Advocate for the Petitioners raises a question, as to how can the Education Officer terminate the services of the Petitioners, and secondly, he had already disclosed his decision of terminating the Petitioners before any hearing.

3. The learned Advocate representing the Zilla Parishad submits that, he would take instructions and address the Court in the next week.

4. Stand over to 29/08/2023 in the 'passing orders' category.

5. Until further orders, the services of these Petitioners would not be terminated by the Education Officer."

2. The learned Advocate representing the Zilla Parishad points out that all these Petitioners have filed Writ Petition No. 12206 of 2022. By order dated 5th December, 2022, their services have been protected only as against termination. This Court has directed that they would not be entitled for any further service benefits until they are cleared of the stigma of being party to the TET scam. This Court has also permitted criminal investigation against such teachers. He further submits that the Zilla Parishad has issued impugned notices to the Petitioners only because the Commissioner, Maharashtra State

Examination Council has issued a directive on 20.06.2023 to the Education Officers (Primary) in the concerned Zilla Parishads, to initiate action against such teachers. He further adds that as these Petitioners are already protected by order dated 05.12.2022 passed in Writ Petition No. 12206 of 2022, these Petitions need not be entertained.

3. The learned Advocate for the Petitioners clarifies that the Petitioners have not apprised him of the filing of the earlier Petition in 2022 which was through another Advocate. He was not aware of the said filing. Notwithstanding the filing of that Petition, these Petitions have been filed in the light of the new cause of action and, therefore, these Petitions are maintainable.

4. Considering the above, the impugned notice dated 27.06.2023 is inconsequential since the criminal investigation is under way. The criminal trial in none of such case has culminated into a final judgment. By earlier orders, this Court has protected such TET Scamsters from termination. However, it has been recorded that they would not be entitled for any service benefits until they are cleared of the said stigma.

5. In view of the above, **these Petitions are partly allowed.**

The impugned notice would not survive and stands set aside to the extent of these Petitioners.

6. The Petitioners would be governed by the earlier orders passed by this Court and the services of the Petitioners would be protected only against termination in relation to the TET Scam. They would not be entitled for any further service benefits until they are exonerated.

7. Needless to state, the salary scale, stipend as were being paid to the Petitioners when the Order dated 5th December, 2022 was passed, would be paid to them until further orders in the said Petitions.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan