

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**910 WRIT PETITION NO.9990 OF 2023**

**AZAD EDUCATION AND WELFARE SOCIETY PARBHANI THROUGH ITS  
SECRETARY  
VERSUS  
STATE OF MAHARASHTRA THROUGH IT'S SECRETARY AND OTHERS**

Mr.R.H.Wagh, Advocate for the Petitioner.  
Mr.P.S.Patil, AGP for Respondent Nos. 1 to 3.  
Mr.G.V.Mohekar h/f Mr.B.A.Shinde, Advocate for Respondent No.4.

**( CORAM : RAVINDRA V. GHUGE AND  
Y. G. KHOBRAGADE, JJ.)**

**DATE : DECEMBER 5, 2023**

PER COURT :

1. The aggrieved teacher namely Inamdar Musahibuddin Inamdar Masruddin is neither a Petitioner nor a Respondent. This Petition is filed by the Management.

2. This Court has concluded that those candidates who are in the TET scam, will be granted protection of this Court only to the extent of restraining the employer from terminating their services. Keeping in view the order of the Hon'ble Supreme Court directing status-quo to be maintained, this Court has recorded in several matters that such

candidates would not get any better service benefits since their TET result has been cancelled on account of their purported involvement in the TET scam. Such candidates are also prevented from re-appearing for the TET examination until the criminal investigation is complete. Though there is no pleadings in the Petition, we are surprised that the Management informs us that the said candidate namely Inamdar Musahibuddin Inamdar Masruddin, has passed the TET examination in 2022.

3. The learned AGP and the Education Officer point out that Inamdar Musahibuddin Inamdar Masruddin has been granted approval on 'No Grant Basis'. As such, until the Hon'ble Supreme Court delivers a verdict and until it is held that the condition of passing the TET is not mandatory for the teachers employed in the minority institutions, the status of Mr.Inamdar cannot be converted from 'No Grant Basis' to 'Grant in Aid Basis', nor earn salary from the salary grants extended by the Government.

4. In view of the above, **this Petition is dismissed.**

5. Nevertheless, in the event, the Hon'ble Supreme Court holds that the TET qualification will not be mandatory for the teachers working in the minority institutions, we grant liberty to Mr.Inamdar to seek service benefits.

( Y. G. KHOBRADE, J. )

( RAVINDRA V. GHUGE, J.)