

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

56 WRIT PETITION NO.10672 OF 2023

GITTE SHILPA DYANOBA
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

Mr.S.V.Deshmukh, Advocate for the Petitioner.
Mr.A.V.Deshmukh, AGP for the Respondent/State.
Mr.P.D.Suryawanshi, Advocate for Respondent No.2.

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

DATE : AUGUST 28, 2023

PER COURT :

1. The Petitioner is found guilty in the TET claim. In her WP No.3775/2023, this Court had passed an order dated 03.04.2023, only protecting her service since similarly situated employees, whose cases are in the Hon'ble Supreme Court, have been granted status-quo. While granting such relief, we have recorded that she will not be entitled for increments, meaning thereby that she would not be entitled for service benefits since it is held that she has not passed the TET exam. As her performance in the TET examination, has been cancelled due to the examination malpractices, she would not be entitled for any service

benefits until she is exonerated in the present petition.

2. She has claimed approval for her transfer from the partially aided establishment (20% grant-in-aid) to the next level grant in aid establishment. The Education Officer has refused approval vide order dated 14.08.2023, since the Petitioner is involved in the TET scam.

3. Our orders in such cases have been passed for balancing the equities. On the one hand, we protected the services of these Petitioners so that they would not be rendered to starvation and on the other hand, we have not permitted grant of further service benefits since it would amount to rewarding a person, who is held guilty in a TET scam in the light of the judgment of the Hon'ble Supreme Court in **Nidhi Kaim Versus State of Madhya Pradesh and others [(2016)7 Supreme Court Cases 615]**.

4. In view of the above, we decline to entertain this Petition since the Petitioner is protected to the extent of her services and her existing salary in the light of our earlier order dated 03.04.2023. Needless to state, in the event the Petitioner is exonerated of the stigma

of being involved in TET scam, she would be entitled for all service benefits with retrospective effect.

5. In view of this, **this Petition is disposed off.**

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)