



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 CIVIL APPLICATION NO. 15448 OF 2023
IN
WRIT PETITION NO.14805 OF 2023

SHAIKH MOHAMMED WASEEM BASHEERUDDIN

....Applicant

VERSUS

THE COMMISSIONER M.S.C OF EXAMINATION PUNE AND ORS

.....Respondents

.....

Mr. V. S. Panpatte, Advocate for Applicant

Mr. S. K. Tambe, AGP for the Respondents State

Mr. A. R. Nikam, Advocate for Respondent No.1

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

DATE : 22th December, 2023

ORDER:

1. By this Application, the Applicant/Petitioner prays for modification of the observation and consequent order which is evident from Paragraph No.4 of the order dated 06.12.2023.

2. A solemn statement is made in the light of the Affidavit of the Applicant that the Petitioner has an approval granted to his appointment. It was erroneously recorded that there is no approval on account of lack of TET qualification.

3. In the light of above, we modify Paragraph No.4 of the order dated 06.12.2023 as under:

"4. Considering the observation in paragraph 2 above, the same conditions shall apply to the present Petitioner and the service of the Petitioner shall not be terminated. Since the Petitioner is without salary and he has an approval granted, he shall be entitled for the salary benefit in view of Conditions (A) to (D) set out below Paragraph No. 13 in the order dated 17.02.2023 in Civil Application No. 1253 of 2023 in Writ Petition No. 1358/2023 and connected matter. For the sake of brevity, the conditions, with certain modifications, are reproduced as under:

- (A) If any specific enquiry is initiated against this petitioner/applicant or even a criminal investigation is initiated, the same shall continue unhindered and there shall be no embargo on such inquiries.
- (B) As long as all the employees/petitioners, who are in employment on account of the interlocutory orders passed by this Court at Mumbai, Aurangabad and Nagpur, the present petitioner deserves to be treated at par and equities have to be balanced by directing that he should not be terminated and his salaries be paid for the days on which he discharges duties.
- (C) Needless to state, such direction would continue only as an interim measure and until further orders in this petition. If

the disciplinary proceedings are concluded, the authorities would be at liberty to initiate appropriate steps as may be permissible in law.

- (D) The Applicant/Petitioner shall file an affidavit undertaking in this Court, to the Education Officer and the Management, within 21 days from today declaring therein that if the Hon'ble Supreme Court concludes in the pending proceedings that the TET is compulsory educational qualification/ TET has to be passed prior to the cut off date 31.03.2019/ TET is applicable even to minority institution, thereby disqualifying the Applicant/Petitioner, would give up all service benefits.

4. In view of the above, **the Civil Application is disposed off.**
5. Leave to carry out proposed amendment in the writ Petition is granted.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan