



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3206 OF 2024

Mahesh Bhausahab Badhe And Another

VERSUS

The State Of Maharashtra Through
Its Secretary And Others

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Mr. R. B. Hake h/f Mr. A. A. Phad, Advocate for the
Petitioners

Mr. P. K. Lakhotiya, AGP for Respondent Nos. 1 to 3

Mr. R. K. Kasat h/f Mr. A. R. Nikam, Advocate for
Respondent No. 4

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CORAM : RAVINDRA V. GHUGE &
R. M. JOSHI, JJ

DATE : MARCH 27, 2024

PER COURT :

1. Petitioners are aggrieved by the order dated 03.08.2022 passed by Respondent No. 4, thereby cancelling their TET performance. Their names figures in the TET exam result scam. They are not in employment. Their TET exam result has been cancelled and an embargo is created that until they are absolved of the said misdeed, they would not be permitted to appear in further TET exams.

2. In a group of cases (Writ Petition No. 9430/2020 and others) filed by Jyoti Uttamrao Shinde

and Others Vs. The State of Maharashtra and Others, this Court has passed a detailed order dated 20.09.2023. The said order pertains to those who are in employment. It has been recorded in paragraph nos. 3, 7 and 8 as under:

3. Needless to state, there is no dispute that all these petitioners, being similarly situated, have been subjected to the same impugned order dated 03.08.2022 passed by the Commissioner, Maharashtra State, Examination Authority. It is undisputed that no inquiries have been conducted against the petitioners in view of the judgment delivered by the Hon'ble Supreme Court in **Nidhi Kaim Versus State of Madhya Pradesh and others [(2016) 7 Supreme Court Cases 615]**. We also find from the impugned order that there is no discussion of any nature whatsoever as regards the material available against these petitioners for the purpose of drawing a conclusion that they are guilty of mal-practices in the TET examination, which was conducted on 19.01.2020, online. The results were declared on 28.08.2020.

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7. In view of the above, issue notice to the respondents, returnable on 14.11.2022. The learned AGPs' waive service of notice on behalf of State. Until further orders, by way of an ad-interim protection, we direct that the services of these petitioners shall not be terminated, if not yet terminated, only on the basis of the impugned order. Their salaries shall be paid to them in view of they being on duty and on the condition of attending duties and performing their jobs. Increments, if

any, shall not be granted to these petitioners without the leave of the Court. This protection is limited to the impugned order, meaning thereby that if any petitioner is liable for any action unconnected with the impugned order, the Management would be at liberty to follow the due procedure for initiating appropriate action.

8. Needless to state, in so far as the investigation in the FIR that has been lodged and in the event any employer desires to initiate disciplinary action against any of these petitioners in connection with their conduct in the TET examination, the same shall proceed unhindered and the pendency of these petitions would not be an impediment.

3. **Issue notice** to the Respondents, returnable on 24th April, 2024. The learned AGP waives service of notice on behalf of Respondent Nos.1 to 3/State. The learned Advocate Mr. R. K. Kasat h/f Mr. A. R. Nikam, waives service of notice on behalf of Respondent No. 4.

4. Since the Petitioners are not in employment, no interim orders need to be passed at this stage. It is made clear that the pendency of this Petition would not be a hindrance to the investigation being carried out in the light of the FIR lodged in such cases.

5. All office objections to be removed on or before 17th April, 2024, failing which, this Petition shall stand dismissed without further reference to the Court on 18th April, 2024.

(R. M. JOSHI, J)
Malani

(RAVINDRA V. GHUGE, J)