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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CIVIL APPLICATION NO. 14324 OF 2023
IN WP/13111/2023

BHANUPRIYA FAKIRCHAND KAKDE AND ANR
VERSUS
THE STATE OF MAHARASHTRA THR ITS PRINCIPAL
SECRETARY AND OTHERS

...
Advocate for the Applicants : Mr. Vaibhav Pawar i/by Mr. Tope
Sambhaji S.
AGP for Respondents 1 and 2 : Mr. P.K. Lakhotiya
Advocate for Respondent 3 : Mr. A.R. Nikam
...

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

DATE :- 12th January, 2024

Per Court :-

1. Despite service of court notice on Respondent No.4/
Education Officer, Municipal Corporation for Greater Mumbai
(MCGM), no appearance has been entered.
2. These two Petitioners are amongst the four original
Petitioners, who have preferred Writ Petition No.13111/2023 for
challenging the impugned order dated 14.10.2022 by which, their
TET exam results of 2018 have been cancelled on account of
their purported involvement in the TET scam. By an extensive

order dated 20.09.2022 delivered in Writ Petition No.9430/2022 (*Jyoti Uttamrao Shinde and others vs. The State of Maharashtra and others*) and connected matters at the Aurangabad Bench, services of such Petitioners, whose names figure in the TET scam, have been protected with the rider that the departmental enquiries and criminal proceedings/ investigation initiated against them, would proceed unhindered and they would not be eligible to appear for the MH-TET exam until they are absolved from the TET scam.

3. This matter was transferred from the Principal Seat to the Aurangabad Bench. By the time this petition was taken up for hearing on 17.10.2023, the MCGM issued orders of terminations, which were served on the present two Applicants. Since the service was complete and they were terminated, we did not grant them an ex-parte ad-interim relief. Other two Petitioners i.e. Petitioner Nos.1 and 3 had not been served with the termination orders and hence, we protected their services.

4. Having heard the learned Advocates for the respective sides, these two Applicants are identically placed as like Petitioner Nos.1 and 3. Despite service of court notice as well as private notice by the Applicants, the Education Officer of

MCGM has not caused an appearance in this matter and has not assisted the Court.

5. In view of the above, **this Civil Application is partly allowed.** The impugned orders of termination of these two Applicants, considering parity with Petitioner Nos.1 and 3, shall stand stayed and they would be eligible to resume the duties until the final decision in the Writ Petition.

6. Needless to state, the domestic enquiry and/or criminal proceedings as may have been initiated against these Applicants in view of their purported involvement in the TET scam, shall proceed unhindered and these two Applicants would not be eligible to appear for the MH-TET exam or seek better service benefits until they are absolved from the TET scam. A request for arrears of salary is refused at this stage and which would be subject to the result of the Writ Petition.

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(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)