



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9430 OF 2022

**JYOTI UTTAMRAO SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

AND

1 WRIT PETITION NO. 106 OF 2023
2 WRIT PETITION NO. 9461 OF 2022
3 WRIT PETITION NO. 98 OF 2023
4 WRIT PETITION NO. 100 OF 2023
5 WRIT PETITION NO. 101 OF 2023
6 WRIT PETITION NO. 102 OF 2023 WITH
CIVIL APPLICATION NO. 6123 OF 2024
IN WP/102/2023

7 WRIT PETITION NO. 104 OF 2023
8 WRIT PETITION NO. 209 OF 2023
9 WRIT PETITION NO. 351 OF 2023
10 WRIT PETITION NO. 4364 OF 2023
11 WRIT PETITION NO. 326 OF 2024
12 WRIT PETITION NO. 643 OF 2024
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24 WRIT PETITION NO. 602 OF 2024
25 WRIT PETITION NO. 1310 OF 2024
26 WRIT PETITION NO. 2763 OF 2024
27 WRIT PETITION NO. 122 OF 2023
28 WRIT PETITION NO. 9057 OF 2023
29 WRIT PETITION NO. 4439 OF 2024
30 WRIT PETITION NO. 8463 OF 2023
31 WRIT PETITION NO. 1276 OF 2024

WITH

CIVIL APPLICATION NO. 1330 OF 2024
IN WP/1276/2024

- 32 WRIT PETITION NO. 1359 OF 2024
- 33 WRIT PETITION NO. 1360 OF 2024
- 34 WRIT PETITION NO. 1369 OF 2024
- 35 WRIT PETITION NO. 1372 OF 2024
- 36 WRIT PETITION NO. 1375 OF 2024
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WITH

WRIT PETITION NO. 1387 OF 2024
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Mr V. D. Sapkal, Senior Advocate i/b Mr S. R. Sapkal; Mr R. S. Deshmukh, Senior Advocate i/b Mr Kunal Kale; Mr A. D. Pawar, Mr S. S. Tope, Mr S. S. Thombre, Mr R. R. Suryawanshi, Mr M.

P. Tripathi, Mr J. V. Patil, Mr V. S. Kadam, Mr. S. V. Dixit, Mr A. R. Syed, Mr A. N. Nagargoje, Mr P. H. Patil, Mr Vinod Patil, Mr Parag Barde, Mr A. G. Talhar, Mr. D. A. Karnik, Mr V. B. Madan, Mr Girish Rane, Mr S. B. Ghatol Patil, Mr R. N. Jain, Mr. A. D. Pawar, Mr S. B. Deore, Mr Rahul Pawar, Mr N. K. Chaudhary, Advocate h/f Mr Khirode Ram, Advocates for Petitioners in respective petitions

Mr S. K. Tambe, Mr S. V. Hange, Mr V. M. Jaware, Smt. R. R. Tandale, Smt. K. R. Jamdhade, A.G.Ps. for Respondents/State in respective petitions

Mr A. R. Nikam, Advocate for Respondent/Commissioner, Maharashtra State Examination Council

Mr R. N. Jain, Advocate for Respondent Nos.24,26,30,31 in WP/106/2023 & for Respondent Nos.24 & 25 in WP/104/2023

Mr Girish Rane, Advocate for Respondent No.21 in WP/101/2023

Mr V. V. Gujar, Advocate for Respondent/ Zilla Parishad, Jalagon

Mr J. V. Patil, Advocate for Respondent No.14 in WP/1247/2024

Mr S. R. Yadav Lonikar, Advocate for Respondent/Z.P., Parbhani

Mr S. R. Dheple, Advocate for Respondent/Z.P. Aurangabad

Mr S. N. Suryawanshi, Advocate for Respondent Nos.6 & 7 in WP/9480/2022

Mr S. B. Pulkundwar, Advocate for Respondent/Z.P., Hingoli and Nanded

Mr V. G. Deshmukh, Advocate for Respondent Nos.6 & 7 in WP/9513/2022

Mr P. S. Patil, Advocate for Respondent/Z.P., Nandurbar

Mr A. N. Nagargoje, Advocate for Respondent No.6 in WP/9559/2022

Mr Y. B. Bolkar, Advocate for Respondent Nos.7 & 8 in WP/10096/2022

Mr B. B. Bhise, Advocate for Respondent No.5 in WP/10481/2022

Mr A. R. Tapse, Advocate h/f Mr P. D. Suryawanshi, Advocate for Respondent Nos.9 & 12 in WP/10864/2022

Mr R. C. Bora, Advocate for Respondent Nos.9 to 20 in WP/72/2023

Mr N. S. Tekale, Advocate for Respondent No.3A in WP/4373/2023

Mr P. N. Kalani, Advocate for Respondent Nos.6 & 7 in
WP/10817/2023, 10815/2023 & 10456/2023
Mr R. C. Brahmankar, Advocate for Respondent No.6 in
WP/11846/2023

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

DATE : 2nd July, 2024

PER COURT:

1. An extensive hearing was held in these matters for almost one and half hours. We find that the learned Advocate representing the Respondent/Maharashtra State Council of Examination, has set out a ready reference chart of all the Petitioners in WP no. 9430/2022, indicating the actual marks emerging from the Optical Mark Recognition (O.M.R.) Sheets and the marks reflecting in the certificates of these Petitioners, which is manipulated. So also, we find that the said Authority needs to address us on what is the prescribed punishment for an examinee under the Rules, and whether there is any provision for barring such examinee from appearing in the Teacher Eligibility Test (T.E.T.) examination and, if yes, for what period can such a bar be imposed. In short, since the impugned orders indicate a

life time ban on these candidates, whether such a life time ban could be said to be proportionate/justifiable, if it is to be held that, an examinee has indulged in an examination scam.

2. In order to address us, the learned Advocate representing the Maharashtra State Council of Examination, may rely on an authenticated ready reference chart, prepared under the guidance of the highest Officer of the said Department. He may file a short affidavit on the point of duration of the ban from appearing in the T.E.T. examination.

3. The learned Senior Advocates along with the Advocates on record in the respective Petitions, have submitted that, even if it is presumed that the contention of the Authority as regards the marks emerging from the O.M.R. Sheets and the Marks printed on the certificates, suffer discrepancies, and this is to be attributed to the Petitioners, yet, the issue would be, how long should the ban on appearing in the T.E.T. examination be continued? Even if it is presumed that the Petitioners are guilty, these are the first instances of such nature.

4. They further submit that the theory of reformation should be pressed into service and since some of the Petitioners are teachers and some are students, their careers would be ruined, if, for one purported act of unfair examination practice, they are barred for appearing in the T.E.T. examination for a life time. They further submit that, this aspect could be looked into, even on the assumption that the Authorities have rightly calculated the O.M.R. marks and compared with the marks appearing on the certificates. These Petitions could be disposed off on the point of the period of ban from appearing for any further T.E.T. examination.

5. In view of the above, by consent of all the parties, list all these Writ Petitions at 2:30 p.m. on 15/07/2024, for considering the issue of the ban for life imposed upon all these Petitioners. We would be hearing the learned Advocates for all the sides on the next date.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

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