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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5369 OF 2024
(Gitanjali Vitthal Maule Vs. The State of Maharashtra and Others)
WITH
WRIT PETITION NO.5370 OF 2024
(Sunil Suresh Jadhav Vs. The State of Maharashtra and Others)
WITH
WRIT PETITION NO.5371 OF 2024
(Komal Somanath Garad Vs. The State of Maharashtra and Others)
WITH
WRIT PETITION NO.6582 OF 2024
(Amol Dattu Deshmane Vs. The State of Maharashtra and Others)
WITH
WRIT PETITION NO.6586 OF 2024
(Sandip Rangnath Bangale Vs. The State of Maharashtra and Others)
WITH
WRIT PETITION NO.6814 OF 2024
(Rupali Mahadeo Deshmane Vs. The State of Maharashtra and Others)

Mr.S.S.Thombre, Advocate for the Petitioners.

Mr.S.K.Tambe, Mr.V.M.Kagne, Mrs.K.R.Jamdhade, AGPs' for the Respondent/State.

Mr.V.C.Patil h/f Mr.U.B.Bondar, Advocate for Respondent Nos. 4 and 5 in WP No.6586/2024 and 6582/2024.

Mr.A.D.Aghav, Advocate for the Respondent/Zilla Parishad, Ahmednagar.

Mr.B.B.Bhise, Advocate for Respondent Nos. 4 and 5 in WP No.6814/2024.

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

DATE : JULY 4, 2024

PER COURT :

1. All these Petitioners before us, figure in the TET

examination result scam resulting in a permanent ban on these candidates from appearing for the TET examination. By a final order passed by this Court dated 14.09.2023, in WP No.8534/2023 and connected matters, we concluded as to who would be eligible for the TAIT examination in the absence of the TET qualification. That order is restricted only to the extent of concluding as to which candidate, without TET, would be eligible for the TAIT recruitment process and we held that *de-hors* the TET qualification, a candidate having CTET or graduation with B.Ed. qualification, would be eligible to participate in the recruitment process through the TAIT.

2. In the first 3 matters, the Petitioners namely Gitanjali Vitthal Maule, Sunil Suresh Jadhav and Komal Somanath Garad have been granted an interim protection by the learned Vacation Bench (Coram : Shailesh P. Brahme, J.) on 30.05.2024, since the order of cancellation of their appointment as a *Shikshan Sevak*, vide the impugned order dated 21.05.2024, was under challenge. The learned Vacation Bench granted ad-interim protection to the Petitioners in terms of prayer clause 'C'.

3. Since the Respondents in these 3 matters seek time to file an affidavit in reply, we deem it appropriate to let the pleadings be completed and until then, the ad-interim order needs to be continued.

4. WP No.6814/2024 is not on board. Taken on board by consent of the parties.

5. In the other 3 matters filed by Amol Dattu Deshmane, Sandip Rangnath Deshmane and Rupali Mahadeo Deshmane, no appointment order has still been issued to them. Obviously they have not yet joined service. The law that “selection gave no right to appointment”, save and except, if legal victimization and unfair discrimination is made out, would be applicable. In these matters also, the Respondents pray for time to file their affidavits in reply.

6. In view of the above, let the affidavits in reply be filed on or before 31.07.2024 as a last chance, failing which, costs of Rs.10,000/- would be imposed on the concerned Department in each Petition. If required, the Petitioners may enter a re-joinder affidavit on or before 08.08.2024.

7. In WP Nos.6582/2024, 6586/2024 and 6814/2024, issue notice to the Respondents, returnable on 12.08.2024. The learned AGPs' waive service of notice on behalf of Respondent/State and Mr.Aghav waives service of notice on behalf of Zilla Parishad, Ahmednagar.

8. In view of the above, let the affidavits in reply be filed on or before 31.07.2024. If required, the Petitioners may enter a re-joinder affidavit on or before 08.08.2024.

9. List all these matters in the fresh admissions category, on 12.08.2024. The request of the Petitioners for orders on interim relief, would be considered.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)