

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7184 OF 2024

Suresh Tulshiram Mahale
and Ors.

} ..*Petitioners*

: *Versus* :

The State of Maharashtra, through
its Secretary and Ors.

} ..*Respondent*

Mr. Sanjeevkumar B. Deore, for the Petitioners.

***Mr. B.V. Samant, Additional Govt. Pleader a/w. Smt. A.A. Purav,
Assistant Govt. Pleader, for Respondent Nos.1 and 2.***

***Coram : Sandeep V. Marne, &
Dr. Neela Gokhale, JJ.
(Vacation Court)***

Dated : 15 May 2024.

P.C. :

1) We have heard Mr. Deore, the learned counsel appearing for the Petitioners and Mr. Samant the learned AGP appearing for Respondent Nos.1 and 2.

2) The grievance raised by the Petitioners in the present petition is about para-14 of the letter dated 25 January 2024 issued by the Commissioner (Education) by which directions have been issued not to issue appointment letters to the selected candidates without securing character verification certificate from Cyber Cell, Pune in respect of Crime Nos.56/2021 and 58/2021 relating to 'Teachers Eligibility Test' (TET) scam.

It appears that on account of same reason of participation in the relevant TET in respect of which scam had taken place, Petitioners were prevented from registering themselves on '*Pavitra Portal*'. With this grievance, they had filed Writ Petition No. 11572 of 2023 and other Writ Petitions. By order dated 11 October 2023, this Court directed that Petitioners are entitled for registration on '*Pavitra Portal*' on the strength of clearing an altogether different test being '*Central Teacher Eligibility Test*' (CTET). It is Mr. Deore's contention that if Petitioners are permitted registration on *Pavitra Portal* on the strength of having cleared CTET, such registration must lead to logical consequences. He would submit that on Pavitra Portal, merit list has been published under which Petitioners are selected for being appointed in various schools. He would submit that on account of instructions contained in para-14 of the letter dated 25 February 2024, an illegal condition has been imposed for securing character verification certificate from Cyber Police Station, Pune. He would also invite our attention to the order dated 22 March 2024 issued by the Commissioner, Maharashtra State Examination Council under which blanket directions are apparently issued to police authorities at Pune, not to issue character verification certificates till completion of investigations into the relevant crime.

3) *Prima-facie*, we are of the view that once Petitioners are permitted to register themselves on *Pavitra Portal* on the strength of clearing CTET, mere pendency of investigations into Crime Nos.56/2021 and 58/2021 shall ordinarily not come in the way of their appointments.

4) Mr. Samant would invite our attention to paragraphs-20 and 21 of letter dated 25 February 2024, under which candidates are additionally required to undergo usual verification of antecedents and medical examination. Mr. Deore would submit that Petitioners have no qualms about undergoing said process envisaged in paras-20 and 21 of the letter

dated 25 February 2024. Their essential grievance is with regard to the insistence by Commissioner (Education) about securing Character Verification Certificate from Cyber Police Station, Pune.

5) Mr. Samant seeks time to file Affidavit. Let Affidavit-in-reply be filed within three weeks. In the meantime, issue notice to Respondent No.3-Maharashtra State Examination Council.

6) List the petition for further consideration on **11 June 2024**.

[Dr. Neela Gokhale, J.]

[Sandeep V. Marne, J.]