



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5369 OF 2024

GITANJALI VITTHAL MAULE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
WRIT PETITION NO. 5371 OF 2024

KOMAL SOMNATH GARAD
VERSUS
THE STATE OF MAHARASHTRA

...

- Mr. S. B. Solanke, Advocate h/f. Mr. S. S. Thombre, Advocate for the petitioner in both writ petitions
- Mr. V. M. Kagne, AGP for respondent Nos. 1 and 2 in both writ petitions
- Mr. A. R. Gaikwad, Advocate h/f. Mr. A.D. Aghav, Advocate for respondent Nos. 3 and 4 in both writ petitions

...

CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

DATE : 25.04.2025

PER COURT :

. Heard both sides finally in both the matters, and we have perused the papers.

2. Both the sides are *ad idem* that the issue involved in both these petitions stands squarely covered by the judgment of the division bench in the matter of *Manoj Gopal Mahale Vs. the State of Maharashtra (Writ Petition No. 568 of 2025)*, decided at the principal

seat on 21.04.2025, except that the order of termination has not been effectuated in the present matter and the petitioners still continue to be in the employment, unlike the petitioners in writ petition No. 568 of 2025.

3. The impugned orders of termination of each of these petitioners has been passed on the premise that their names appeared in the list of candidates alleged to be involved in the scam that had happened during 2019 TET examination. However, even if their performance at the TET stands cancelled, as per the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act), and the regulations governing it, qualification of CTET is also an eligibility criteria for appearing at the TAIT and the basic selection examination is TAIT and not the TET.

4. If the petitioners even otherwise, independent of TET, were eligible to appear at TAIT on the basis of their CTET qualification, the sole ground assigned by respondent No.3 – the Chief Executive Officer, Zilla Parishad, Ahmednagar, for passing the order of termination would not be legally sustainable.

5. In light of above, both the petitions are allowed. The impugned termination orders are quashed and set aside.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)

jhs/