

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

WRIT PETITION NO. 19519 OF 2024

1. Ansar Afzal Munniwale,
Age: 29 years, Occ: Student,
Residing at Mantha Road, Rammurti,
Jalna, Tal. & Dist. Jalna,
2. Mujahid Ayyub Shaikh,
Age: 34 years, Occ.: Student,
Residing at 138/139, Siddheshwar
Nagar, 5-A, Madina Chowk, Majrewadi
Road, Solapur, Tal. & Dist. Solapur ... Petitioners

Versus

1. The State of Maharashtra,
Through the Principal Secretary,
School Education & Sports
Department,
Maharashtra State, Mantralaya,
Mumbai- 400032.
2. The Commissioner (Education),
M.S., Pune, Central Administrative
Building, Pune
3. Maharashtra State Council of Education
for Examination, Pune, Through its
Commissioner, 17, Dr. Ambedkar Marg,
Near Lal Temple, Pune -1.
4. Zilla Parishad Ratnagiri,
Through Chief Executive Officer,
Having office at Zilla Parishad
Ratnagiri,
Bharatratna Dr. Babasaheb Ambedkar
Bhavan, Second Floor, Malanaka,
Ratnagiri – 415 612
5. Education Officer (Primary),
Zilla Parishad, Ratnagiri,
Having office at Bharatratna

Dr.Babasaheb Ambedkar Bhavan,
Malanaka, Ratnagiri – 415 612 ... Respondents

Dr. Uday Warunjikar with Mr.Sumit Kate for the Petitioners.
Mr.P.P.Kakade, Addl.GP with Mr.A.C.Bhadang, AGP for the
Respondent,State.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 21st APRIL, 2025

ORAL JUDGMENT (*Per: Ravindra V. Ghuge, J.*)

1. Rule. Rule made returnable forthwith and heard finally
with the consent of the parties.

2. Notice was issued to the Respondents on 28th January,
2025. The office note dated 9th April, 2025 indicates that
Respondent Nos. 4 and 5, i.e., Zilla Parishad Ratnagiri and the
Education Officer (Primary), have been served as per the Bailiff's
Report.

3. The learned Addl.GP has already caused an appearance
on behalf of Respondent Nos.1 and 2. Respondent No.3 is a formal
party.

4. There is no dispute that the present Petitioners are covered by the judgment delivered by this Court, dated 25th March, 2025 in Writ Petition No. 1269 of 2025 (*Pandharinath Dilip Kanojia and Others Versus The State of Maharashtra and Others*).

In particular, the observations of this Court in paragraph Nos. 12 to 18, are relevant and they read as under:

“12. We specifically called upon the learned AGP to state as to whether any FIR has been registered against any of these Petitioners. The answer was in the negative. We then asked the learned AGP as to whether there is any police report or any character certification from any police authority of any particular area or police station indicating that any offence registered against the Petitioners. The answer was in the negative. We also asked the learned AGP as to whether names of these Petitioners are figuring in any TET Exam Results Scam related FIR. The answer is in the negative.

13. In view of the above, the impression gathered from the impugned order dated 11.10.2024, is that the State Government appears to have followed an alien thought process that the Petitioners are guilty until they prove their innocence. Because their results in the TET Exam Scam have been cancelled, though in the absence of their names from the FIR or in any police report or cyber crime report, the Government declares these Petitioners to be guilty of the exam result scam.

14. In Hina Kausar (supra), this Court has recorded the 3 eligibility educational qualifications, by which a candidate would be eligible to register himself on the portal and be a

part of the TAIT selection exercise. TET is one of them. If the results of these Petitioners are cancelled to the extent of TET, apparently they are not eligible from that mode. However, if they are eligible through C-TET mode or the post graduation + B.Ed mode, there is no legal impediment. There is no explanation from the State Government as to how these Petitioners can be branded as offenders without there being any Police report. The impugned order smacks of prejudice against these Petitioners.

15. The learned Advocate for the Petitioners, Dr. Warunjikar, has strenuously canvassed that instead of enabling these tribals from the PESA region to come forward and be a part of the main stream population, all of them have been disqualified, not on the basis of their C-TET qualifications, but on the basis of their TET Exam Results having been cancelled in view of the suspicion that 7500 students have manipulated their TET results.

*16. In view of the above, the **Writ Petition is allowed**. The impugned order dated 11.10.2024, is quashed and set aside. Since each of the Petitioners' candidature has to be scrutinized by the appropriate authorities, that we are not venturing into taking a decision under the Writ jurisdiction of this court. We deem it appropriate and judicious to direct the concerned authorities to reconsider the cases of these Petitioners in the light of Hina Kausar (supra) and their qualifications of either C-TET or Graduation + B.Ed. Since the State Government has issued a Resolution dated 28.8.20217 permitting appointment of candidates with the caveat of verifying their characters/antecedents within a period of 6 months, that we direct the said authorities to consider this Government Resolution as well.*

17. If any appointment order is issued, provided the Petitioners are found to be eligible in the light of the above directions, it shall be mentioned in the appointment orders that, if any adverse report is received from the police department/cyber crime cell, or if in future any of these Petitioners happens to be convicted for any role in the TET Exams Results Scam of 2019, such appointments would be cancelled. In addition, an affidavit undertaking will be taken from these Petitioners, stating therein that, subject to further legal processes, they would be removed from employment.

18. Considering the communications by the Chief Executive Officer, Zilla Parishad, Palghar addressed to the Commissioner (Education), Maharashtra State, Pune, dated 3.10.2023, 6.10.2023 and 8.8.2024, which are placed on record at pages 85 to 87, let the exercise of reconsideration of the Petitioners' candidatures be completed within a period of 60 days from today."

5. In view of the above, **this Writ Petition is allowed.**

6. The impugned notice dated 25th November, 2024 and the letter dated 11th October, 2024 are set aside. The directions issued by this Court in paragraph Nos. 16 and 17 and the timeline granted in paragraph No.18, reproduced above, would become applicable to the present case as well. The timeline of 60 days will operate from today.

7. Rule is made absolute in the above terms.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)