

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

WRIT PETITION NO. 11950 OF 2024

Vivek S/o Balasaheb Pahane ...Petitioner
Versus
The State Of Maharashtra Thr.
Its Principal Secretary School
Education And Sports Dept. And Ors ...Respondents

**WITH
WRIT PETITION NO. 11953 OF 2024**

Nasima Bano Allabaksh Hannure ...Petitioner
Versus
The State Of Maharashtra Thr.
Its Principal Secretary School
Education And Sports Dept. And Ors ...Respondents

**WITH
WRIT PETITION NO. 11955 OF 2024**

Maquesood Ahmed Khaleel Ahmed ...Petitioner(s)
Versus
The State Of Maharashtra Thr.
Its Principal Secretary School
Education And Sports Dept. And Ors ...Respondents

**WITH
WRIT PETITION NO. 11957 OF 2024**

Shaikh Nadim Shaikh Qayyum ...Petitioner
Versus
The State Of Maharashtra Thr.
Its Principal Secretary School
Education And Sports Dept. And Ors ...Respondents

Mr. Sumit Kate, for the Petitioners in WP No. 11950/24, WP No.11953/24, WP No.11955/24.

Ms. Sakshi Thombre i/b. Shri. S.S.Thombre, for the Petitioners in WP No.11957/24.

Mr. P. P. Kakade a/w. Mr. S.B.Kalel, Addl.GP for the Respondent in all matters

Ms. Sneha Bhange, for Respondent/Raigad Zilla Parishad in all WPs.

**CORAM : RAVINDRA V. GHUGE
&
GAUTAM A. ANKHAD,, JJ.**

DATE : 15th JULY, 2025

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

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

2. The Petitioners have put forth prayer clauses (a) and (b), as under :

“a) This Honourable Court be pleased to call for the record and proceeding of the termination letter dated 14/10/2024 issued by the respondent no. 5 and letter dated 11/10/2024 issued by the respondent no. 1 and after satisfying about the legality, validity and proprieties of the same, be pleased to quash and set aside the same, further direct the respondents to reinstate the petitioners with full backwages from the date of respective

appointments as mentioned in the memo of the petition and consequential relief including the outstanding salary with interest on such terms as this Hon'ble Court may deem fit and proper.

b) This Honourable Court be pleased to call for the record and proceeding of the letter dated 25/02/2024 issued by the respondent no. 2 and letter dated 22/03/2024, 3/04/2024 and 17/05/2024 issued by the respondent no. 3 herein and after satisfying about the legality, validity and proprieties of the same, be pleased to quash and set aside the clause 14 of the letter dated 25/02/2024 issued by the respondent no. 2 and letter dated 22/03/2024, 3/04/2024 and 17/05/2024 issued by the respondent no. 3 by exercising the power under Article 226 of the Constitution of India, 1950.”

3. We have considered the submissions of the learned Advocates for the respective sides and have perused the Petition paper-book. The learned Advocate for the Respondent - Zilla Parishad has filed it's Affidavit in reply in all these 4 cases.

4. The Petitioners have relied upon an order passed by this Court, at the Nagpur Bench, dated 7th April, 2025 in Writ Petition No. 4280 of 2024 (*Shrikrishna S/o. Uddhavrao Sonwane & Anr. Vs. State of Maharashtra & Ors*).

5. It is undisputed before us, on the basis of the record, that each of these Petitioners have passed their Central Teacher Eligibility Test (CTET), beyond the cut-off date 31/03/2019, after their respective results were declared on 26th February, 2021 (Manoj Mahale), 3rd March, 2023 (Ratilal Ahire) and 3rd March, 2023 (Vinod Kokani). It is equally undisputed that all these Petitioners were appointed as Shikshan Sevaks initially and as Assistant Teachers, on the basis of qualifying the CTET. These three Petitioners have also cleared their Teacher Eligibility Tests (TETs) prior to acquiring the CTET qualifications, in the 2019 TET examination, which results have been cancelled.

6. An examination result scam rocked the State with the 2019 TET examination results. It was noticed that there were certain king pins who had master-minded the exam result scam by enhancing the marks actually scored by 7500 candidates, to a very high figure. For example, a candidate, who had scored 39 marks in the actual answer sheet, finds his score in the result declared digitally, at 81 marks. The result of such 7500 candidates was cancelled by the Competent Authority. All those who had acquired employment on the basis of such TET result and whose examination

results and the TET certificates were cancelled, have suffered adverse orders. There are several views taken by this Court at the Principal Seat, the Nagpur Bench and the Aurangabad Bench, concluding that those who have qualified on the basis of CTET or Graduation + B.Ed., would be eligible to be appointed in the teaching faculty.

7. In *Hina Kausar Mohammad Riyaz v/s. The State of Maharashtra and others* (Writ Petition No. 8534 of 2023 & group of cases) decided on 14th September, 2023 at the Aurangabad Bench, it was concluded that there were three modes through which a candidate could be eligible to be selected through the Pavitra Portal selection process. The said three modes were TET, CTET and Graduation + B.Ed. Those candidates who were selected and appointed on the basis of the 2nd or the 3rd eligibility criteria, were retained in employment.

8. In *Shrikrishna S/o. Uddhavrao Sonwane (supra)*, the Nagpur Bench granted the relief of reinstatement on the basis that the names of the Petitioners were not mentioned in the FIR or in the chargesheet with regard to the 2019 TET examination result scam.

However, we find from the said order (*supra*) that it was not pointed out to the learned Court that the examination result of the TET, involving those candidates whose actually scored marks were much lesser than the marks indicated in the digital results, suffered cancellation of the TET result as well as the withdrawal of their TET certificates. This glaring aspect was not brought to the notice of the learned Court in ***Shrikrishna S/o. Uddhavrao Sonwane***.

9. However, this Court has taken a view that if the candidates who are selected and appointed on the basis of CTET or Graduation + B.Ed eligibility, their appointments can be protected since their selection and appointment was not on the basis of that TET exam result, which was subsequently cancelled.

10. In the instant case, it is undisputed that the Petitioners were selected and appointed on the basis of their CTET eligibility and their common termination order dated 14th October, 2023 was issued only for the reason that their names figure amongst those 7500 candidates whose TET results have been cancelled considering the scam controversy. It cannot be ignored that these Petitioners were appointed on qualifying the CTET, and not on the basis of their

TET results.

11. In view of the above, **this Writ Petition is partly allowed in terms of prayer clause (a).**

12. The Zilla Parishad, Raigad shall order the reinstatement of the Petitioners with effect from 14th June, 2024 and would calculate their unpaid salaries/ back wages to be paid to them and further make such payments, within a period of 60 days from today.

13. We make it clear that in the event the Petitioners are finally held to be guilty of benefiting from the TET scam and if it is concluded that they were the beneficiaries of such a scam, it would be open to the Zilla Parishad to review the appointments of the Petitioners in light of such a judgment delivered by the Court.

14. Rule is made partly absolute in the above terms.

15. The learned Addl.GP submits that the State is researching on the judgment delivered by the Division Bench of this Court in Writ Petition No. 1269 of 2025 dated 25th March, 2025 (*Pandharinath Dilip Kanojia and Others Versus The State of*

Maharashtra and Others). We would suggest to the learned Addl.GP that if the said judgment is not set aside by the Hon'ble Supreme Court, the State may initiate steps to circulate the said judgment dated 25th March, 2025 in order to enlighten the various Education Departments in the State of Maharashtra.

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]