

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

WRIT PETITION NO. 6195 OF 2025

Sapana Dattu Mere ... Petitioner
versus
State of Maharashtra & Ors. ... Respondents

**AND
WRIT PETITION (ST.) NO. 16055 OF 2025**

Samidha Kailas Pawar & Ors. ... Petitioners
versus
State of Maharashtra & Ors. ... Respondents

Mr.Sidheshwar Biradar for the Petitioners in both the Petitions.

Ms.Priyanka Chavan, AGP for the Respondent - State in WP No.
6195 of 2025.

Ms.Nisha Mehra, AGP for the Respondent -State in WP (St.) No.
16055 of 2025.

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

DATE : 6th May, 2025

P.C. :-

1. These fifteen Petitioners are similarly situated. Their names appeared in the 2018 and 2019 Teacher Eligibility Test (TET) exam results scam. The Petitioners have passed Central Teacher Eligibility Test (CTET).

2. We have perused an earlier order dated 25th March, 2025 passed by this Court in Writ Petition No. 1269 of 2025 (*Pandharinath Dilip Kanojia & Ors. Versus The State of Maharashtra & Ors.*).

3. We have also adverted to the judgment delivered by this Court at Aurangabad Bench in *Hina Kausar Mohammad Riyaz & Others versus The State of Maharashtra & Ors.*, (Writ Petition No.8534 of 2023 and group of cases decided by order dated 14th September, 2023). For the sake of clarity, we record that there were three modes for a candidate to approach the Teacher Aptitude and Intelligence Test (TAIT). One mode was of passing TET, the second was after passing CTET and the third was on acquiring Graduate plus B.Ed. Education.

4. In *Pandharinath Dilip Kanojia & Ors. (supra)*, we concluded that if any candidate is selected on the basis of passing the TET and if the said TET exam result is cancelled on account of the name of the concerned candidate figuring in the 2019 TET exam result scam (wherein lesser marks actually scored were exaggerated to show higher marks in the online declaration of the results so as to

enable such candidates to overcome the qualifying bar), such candidates cannot be considered if they had appeared for TAIT based on such TET result, primarily for the reason that the TET result of 2019 with regard to such 7500 candidates have been cancelled and their TET marks/marks memo have been neutralised.

5. However, in the case of candidates who have appeared for the TAIT on the basis of passing the CTET or on the basis of Graduate plus B.Ed. qualifications, such cases were to be considered independently by the prospective employers. In short, standing on the plank of CTET or Graduate plus B.Ed., the candidature could be considered for TAIT.

6. We have perused the recently delivered judgment of the Hon'ble Supreme Court dated 3rd April, 2025 in a long list of Appeals bearing Special Leave Petition (Civil) No.9586 of 2024 [*State of West Bengal versus Baishakhi Bhattacharyya (Chatterjee) and Others*], 2025 SCC OnLine SC 719. Paragraph Nos.19, 45, 46 and 47 of the said judgment, read as under:

“19. The following principles emerge from the aforesaid discussion:

- *When an in-depth factual inquiry reveals systemic*

irregularities, such as malaise or fraud, that undermine the integrity of the entire selection process, the result should be cancelled in its entirety. However, if and when possible, segregation of tainted and untainted candidates should be done in consonance with fairness and equity.

- The decision to cancel the selection en masse must be based on the satisfaction derived from sufficient material collected through a fair and thorough investigation. It is not necessary for the material collected to conclusively prove malpractice beyond a reasonable doubt. The standard of evidence should be reasonable certainty of systemic malaise. The probability test is applicable.*

- Despite the inconvenience caused to untainted candidates, when broad and deep manipulation in the selection process is proven, due weightage has to be given to maintaining the purity of the selection process.*

- Individual notice and hearing may not be necessary in all cases for practical reasons when the facts establish that the entire selection process is vitiated with illegalities at a large scale.”*

“45. The last question relates to the relief and whether it requires any modification. We find no valid ground or reason to interfere with the direction of the High Court that the services of tainted candidates, where appointed, must be terminated, and they should be required to refund any salaries/payments received. Since their appointments were the result of fraud, this amounts to cheating. Therefore, we see no justification to alter this direction.”

“46. For candidates not specifically found to be tainted, the entire selection process has been rightly declared null and void due to the egregious violations and illegalities, which violated Articles 14 and 16 of the

Constitution. As such, the appointments of these candidates are cancelled. However, candidates who are already employed need not be asked to refund or restitute any payments made to them. However, their services will be terminated. Furthermore, no candidate can be appointed once the entire examination process and results have been declared void.”

“47. Some of the appointed candidates who do not fall within the category of tainted candidates may have previously worked in different departments of the State Government or with autonomous bodies, etc. In such cases, although their appointments are cancelled, these candidates will have the right to apply to their previous departments or autonomous bodies to continue in service with those entities. These applications must be processed by the respective government departments or bodies within three months, and the candidates will be allowed to resume their positions. Further, the period between the termination of their previous appointment and their rejoining will not be considered a break in service. Their seniority and other entitlements will be preserved, and they will be eligible for increments. However, for the period they were employed under the disputed appointment, no wages will be paid by the State Government or autonomous bodies. Further, if required and necessary, supernumerary posts may be created for persons appointed in the interregnum.”

7. Considering that the Petitioners before us are standing on the plank of the CTET qualification, they could be considered for participation in the TAIT. Needless to state, eventually, if it is noticed that the Petitioners' antecedents/ characters are tainted or are held to be guilty of the examination malpractices, such factors can be considered at the time of assessing whether they could be

considered for grant of employment.

8. With these observations, **these Writ Petition are disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)