

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6256 OF 2025

1. Rajendra Yevaji Bhoje
Age: 32 Years, Occu.: Nil,
R/o. At post Alangun, Tq. Surgana,
Dist. Nashik
2. Mahesh Dnyaneshwar Patil
Age: 31 Years, Occu.: Nil,
R/o. At Post: Borwat, Tq. Peth,
Dist. Nashik
3. Saraswati Digamber Giri
Age: 30 Years, Occu.: Nil,
R/o. Yojana Nagar, Lohgaon, Pune,
Tq. & Dist. Pune
4. Minakshi Yashwant Jopale
Age: 32 Years, Occu.: Nil,
R/o. At Chikhali Post: Borgaon,
Tq. Surgana, Dist. Nashik
5. Haridas Sitaram Khotare
Age: 32 Years, Occu.: Nil,
R/o. At Dhayatipada, Post Berwal
Tq. Trambakeshwar, Dist. Nashik
6. Jayshri Pandurang Jadhav
Age: 32 Years, Occu.: Nil,
R/o. At Post Bordingpada,
Tq. Peth, Dist. Nashik
7. Shital Kashinath Gaikwad
Age: 31 Years, Occu.: Nil,
R/o. At Post Dindori,
Tq. Dindori, Dist. Nashik
8. Vaman Chandar Sapate
Age: 36 Years, Occu.: Nil,
R/o. At Kathwadpada, Post: Deodongar,
Tq. Trimbakeshwar, Tq. Nashik.

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ANKUSHRAO
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9. Devendra Amarchand Kolhe
Age: 34 Years, Occu.: Nil,
R/o. At Verul, Post Dalvat,
Tq. Kalwan, Dist. Nashik
10. Sumitra Amarchand Kolhe
Age: 32 Years, Occu.: Nil,
R/o. At Verul, Post Dalvat,
Tq. Kalwan, Dist. Nashik
11. Manohar Padmakar Gavali
Age: 32 Years, Occu.: Nil,
R/o. At Nalwalpada, Post: Dindori,
Tq. Dindori, Dist. Nashik
12. Rupalee Chhagan Londhe
Age: 36 Years, Occu.: Service,
R/o. At Loni Kalbhor, Tq. Haveli,
Dist. Pune.
13. Hemlata Dhanaji Gavali
Age: 29 Years, Occu.: Nil,
R/o. At Post:Karanjali,
Tq. Peth, Dist. Nashik
14. Monali Chintaman Zirwal
Age: 30 Years, Occu.: Nil,
R/o. At Khandurdi Post: Umbarthan
Tq. Surgana Dist. Nashik
15. Gitesh Vitthal Dhum
Age: 36 Years, Occu.: Nil,
R/o. At Khokari Post Bhormal,
Tq. Surgana Dist. Nashik
16. Malti Laxman Thakare
Age: 34 Years, Occu.: Nil,
R/o. At post: Borgaon,
Tal. Surgana, Dist. Nashik
17. Harshada Ashok Hinde
Age: 33 Years, Occu.: Nil,
R/o. At post: Umbarpada (Digar)
Tal. Surgana, Dist. Nashik
18. Nanda Sampat Jadhav
Age: 36 Years, Occu.: Nil,

R/o. At Shirshgaon, Post: Amboli,
Tal. Trimbkeshwar, Dist. Nashik

19. Harshvardhan Eknath Lilke
Age: 33 Years, Occu.: Nil,
R/o. Yajurved- Vednagari Soc.,
Row House No.50, Peth Road,
Opp. Meghraj Bekari, Nashik
Tq. & Dist. Nashik
20. Nirmala Dadu Sable
Age: 33 Years, Occu.: Nil,
R/o. At Post Ingalun, Tq. Junner,
Dist. Pune.
21. Shivaji Dunda Bhokate
Age: 30 Years, Occu.: Nil,
R/o. At post: Jambhori,
Tal. Ambegaon, Dist. Pune
22. Taibai Sawleram Damse
Age: 34 Years, Occu.: Nil,
R/o. At Post Gohe (BK.),
Tq. Ambegaon, Dist. Pune.
23. Sandip Keshav Kathe
Age: 32 Years, Occu.: Nil,
R/o. At post: Jambhori,
Tq. Ambegaon, Dist. Pune
24. Dipali Savalewram Adhari
Age: 32 Years, Occu.: Nil,
R/o. At Post: Gohe (BK.),
Tal. Ambegaon, Dist. Pune
25. Sonali Bhaskar Nikam
Age: 35 Years, Occu.: Nil,
R/o. At Post: Dindori,
Tq. Dindori, Dist. Nashik
26. Tushar Govind Gavit
Age: 34 Years, Occu.: Nil,
R/o. At Post: Borgaon,
Tal. Surgana, Dist. Nashik
27. Komal Krishnarav Budhavale
Age: 35 Years, Occu.: Nil,

R/o. At Post Wathar Station,
Tal. Koregaon, Dist. Satara

28. Nilesh Gokul Borse
Age: 36 Years, Occu.: Service,
R/o. At Post Nachlondhi,
Tq. Pethe, Dist. Nashik

....Petitioners

Versus

1. The State of Maharashtra,
Through it's Secretary,
School Education and Sports
Department, Mantralaya, Mumbai-32.
2. The Commissioner of Education,
Maharashtra State, Pune.
Central Building, First Floor, Dr. Annie
Bezant road, Agarkar Nagar, Pune,
Tal. & Dist. Pune, Maharashtra-411001.
3. The Chairman,
The Maharashtra State Council of
Examination, Pune, 17, Dr. Babasaheb
Ambedkar Road, Camp, Pune, Tal. &
Dist. Pune. Maharashtra-411001.
4. The Commissioner (Education),
The Maharashtra State Council of
Education, Maharashtra State
Secondary & Higher Secondary
Shikshan Mandal, (2nd & 4th Floor),
Survey No.832-A, Near the
Balchitrawani Final Plot No.178 & 179,
Behind Aagharkar Research Institute,
Bhamburda, Shivajinagar, Tal. &
District Pune, Maharashtra - 411004.

(Copy for Respondent No. 1 & 2 to be
served on Govt. Pleader, High Court of
Judicature of Bombay).

....Respondents

Mr. D.A. Karnik h/f Mr. R.I. Wakade-Patil, Advocate for the Petitioners.

Mr. A.C. Bhadang, AGP for Respondent Nos.1 & 2/State.

Mr. Ashwin Kapadnis i/by Mr. Vijay Killedar, Advocate for Respondent Nos.3 & 4.

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

DATE : 8th MAY, 2025

ORAL JUDGMENT (PER : RAVINDRA V. GHUGE, J.)

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

2. We have considered the submissions of the learned Advocate for the respective sides and the learned AGP with their assistance, we have gone through a recently delivered order dated 25th March, 2025 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 the 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 TAIT. One mode was of passing TET, the second was after passing C-TET 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, has 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 C-TET 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 C-TET 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. In view of the above and since the Petitioners are standing on the plank of C-TET qualification for the purpose of consideration through TAIT, this **Writ Petition is disposed off**. The Petitioners can be considered for TAIT on the basis of their C-TET qualifications. Subsequently, if the prospective employer notices tainted character or tainted antecedents or if any of these Petitioners are convicted for their role in the TET 2019 Exam Result Scam, the authorities/employer would be at liberty to initiate an appropriate action against such candidates.

8. The learned Advocate representing Respondent No.3 submits, in the light of the document at Page No.181, that the Authorities have issued a ‘Shuddhi Patra’ and that solves the problem of the Petitioner. We, however, record that the Petitioner

shall truthfully fill-in the details in the online application, and any statement of falsehood would render them disqualified.

9. **Rule is discharged.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)