

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Public Interest Litigation No. 036 of 2016

District : Latur

Angad s/o. Narhari Bhosle,
Age : 37 years,
Occupation : Social Work,
R/o. Borol, Taluka Deoni,
District Latur.

.. Petitioner.

versus

1. The State of Maharashtra,
Through its Chief Secretary,
Mantralaya, Mumbai - 32.
2. The Principal Secretary,
Education Department,
Mantralaya, Mumbai - 32.
3. The Director (Secondary),
The Directorate Office of,
Secondary & Higher Secondary
Education Department, Pune.
4. The Director (Primary),
The Directorate Office of,
Primary Education Department,
Pune.
5. The Commissioner,
The Education Department,
State of Maharashtra,
Pune.
6. The President,
Maharashtra State Education
Council, Pune.

.. Respondents.

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Mr. Ram S. Shinde, Advocate, for the petitioner.

*Mr. P.S. Patil, Asst. Government Pleader, for
respondents no.01 to 05.*

Mr. A.R. Nikam, Advocate, for respondent no.06.

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**CORAM : DR. MANJULA CHELLUR, CJ.
&
R.M. BORDE, J.**

DATE : 29TH JUNE 2017

ORAL ORDER :

01. The petitioner is before us, aggrieved by the fact that every year Teachers' Eligibility Test [For short, "T.E.T."] is conducted and whereas, there is no such test conducted so far as selection of teachers for the secondary education and also pre-university education.

02. In the reply affidavit, from paragraph 06 onwards, in a very comprehensive manner the challenge has been negatived. The circumstances while T.E.T. was introduced are explained. As a matter of fact, this came to be introduced in order to cut malpractices in the private managed institutions since the primary education institutions started growing like mushroom growth especially after Right to Education Act. Since it became an obligation on the State to cater to the needs of society when the State was not in a position to undertake the obligation of starting new schools imparting education from 1st standard to 8th standard, they had to depend upon private management to run such schools. In order to regulate selection process and to create checks and balances, such eligibility test came to be introduced. Similar may not be the situation with regard to secondary education and pre-

university education because those candidates are not coming under the purview of Right to Education Act. Even otherwise, in order to discharge the obligation in the light of Right to Education Act, such a need arose for the State to introduce T.E.T.

03. It can be said that the policy was evolved in order to regulate the system of selection, so far as primary education teachers are concerned. If the State authorities find as and when necessary, they are always entitled to bring out a new policy even for secondary education and pre-university education. We cannot impose such policies unless a problem is brought before us where such policy is a must. We cannot compare the primary education field with secondary education and pre-university education and insist upon bringing on such policy even in other arenas.

04. We dispose of the petition, finding that it is absolutely in the arena of the State administration to bring such policy or not, so far as secondary education and pre-university education is concerned.

(R.M. Borde)
JUDGE

(Dr. Manjula Chellur)
CHIEF JUSTICE

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