

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

29 WRIT PETITION NO. 9927 OF 2013

MOHAMMAD QAMRUI IMAN KHAN S/O ZAFAR KHAN NAAZ AND
ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mrs. Fatima Kazi h/f. Mr. S.S. Kazi
AGP for Respondents 1 & 2 : Mr. Y.G. Gujrathi
Advocate for Respondent 3 : Mr. A.R. Nikam
Advocate for Respondent 4 : Mr. S.S. Bora
...

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

DATED : March 19, 2018.

ORDER :

1. The petition is filed for writ of mandamus or any other writ to give direction to see that only one test either MH-CET or TET is made compulsory for appointment as Assistant Teacher and to drop the other test. Both the sides are heard.

2. During arguments attention of this Court was drawn to the decision given by the Apex Court reported as **AIR 2017 SC 3612 [State of U.P. and Ors. Vs. Shiv Kumar Pathak and Ors.]**. In that matter, the scheme prepared by State of U.P. was under consideration before the Apex Court. It provided for TET exam and also the guidelines issued by NCTE. The Apex

Court has held that the State Government is entitled to prepare policy in which Teacher's Eligibility Test can be taken before getting appointment as teacher. MH-CET is held for getting appointment, for recruitment process. This Court had also occasion to consider this point while deciding **Writ Petition No. 9962/2013 [Maharashtra Rajya Manya Khajagi Prathmik Shikshak Va Shikshetr Karmachari Mahasangh Vs. The State of Maharashtra and Ors.] on 13/12/2013** decided at this seat. This Court has considered provisions of Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 and also the provisions of Right of Children to Free and Compulsory Education Act, 2009 and held that the challenge to such case cannot have any basis. The purpose behind aforesaid two tests is totally different and the two tests are prescribed for raising standards of education. As the point is no more *res-integra*, the petition stands dismissed.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

ssc/