

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

WRIT PETITION NO. 8681 OF 2018

Sant Kabir Shikshan Prasarak Mandal and others ... Petitioners

Versus

The State of Maharashtra and another ... Respondents

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Mr. C. K. Shinde, Advocate for petitioners

Mr. S. P. Sonpawle, AGP for respondent No.1

Mr. D. B. Pawar-Pathrikar, Advocate for respondent No.2

....

CORAM : PRASANNA B. VARALE

AND

R. G. AVACHAT, JJ.

DATED : 28th JANUARY, 2020

PER COURT :-

. Considering the scope of the civil application No.934 of 2020, whereby amendment is sought for and the events occurred post filing the petition, we are of the opinion that it would be appropriate for this Court to dispose of the writ petition itself.

2. The petition is filed on behalf of petitioner No.1 institute and petitioner Nos. 2, to 4, who are the teachers working in petitioner No.1 Institute, challenging the order passed by respondent No.2 – Education Officer (Primary), Zilla Parishad, Aurangabad, whereby the proposal

submitted to the Education Officer for grant of approval, was rejected on the count that petitioner Nos. 2, 3 and 4 were not possessing the Test Eligibility Test (T.E.T.) qualification. While issuing notice by order dated 30.07.2018, this aspect of the matter was referred to. It is submitted before this Court by way of Civil Application No.934 of 2020, that during pendency of the petition, petitioner Nos. 2 and 4 acquired the requisite qualification of passing T.E.T. examination and on consideration afresh, petitioner Nos. 2 and 4's proposal was positively decided. Copy of the order dated 17.10.2018 is placed on record to the Civil Application at Exh.-"I". Perusal of this document shows that on that petitioner Nos. 2 and 4 have already acquired the qualification of T.E.T. examination and the approval is granted to these petitioners as Assistant Teacher for the period of three years. Then, it is submitted by the learned counsel Mr. Shinde for the petitioners that result of petitioner No.3 – Deepali s/o Suresh Jire, has been declared recently and she is held to be qualified for teaching classes of 5th to 8th standard.

3. By inviting our attention to the certificate issued by the Central Board of Secondary Education, Delhi, on 27.12.2019 (A copy of the same is placed on record at Exh.-"J"), it is submitted by learned Counsel Mr. Shinde that petitioner No.3 may be permitted to approach respondent No.2 - Education Officer for decision afresh in view of

acquiring the requisite qualification and respondent No.2 may be directed to decide the proposal as early as possible.

4. There cannot be a serious opposition to the submission of Mr. Shinde, learned counsel for the petitioners as the same would not cause any prejudice to the respondents.

5. Accordingly, the petition is disposed of with a direction to respondent No.2 to consider the proposal of petitioner No.3 afresh, in view of the fact that recently, petitioner No.3 has acquired the qualification of T.E.T. The decision be taken as early as possible, and not later than eight weeks from today. With these directions the petition is disposed of.

Needless to state that no order is required to be passed on civil application No.934 of 2020 separately. The same is also disposed of.

6. Authenticated copy of this order be furnished to the learned counsel appearing for respondent No.2 – Education Officer (Primary), Zilla Parishad, Aurangabad, for necessary communication.

[R. G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]