

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

WRIT PETITION NO.8886 OF 2019

Kirankumar Uttamrao Metalwad

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr V.S. Panpatte, Advocate for petitioner

Mr P.S. Patil, Addl.G.P. for respondents no.1 to 3

Mr P.S. Dikle, Advocate for respondents no.4 and 5

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 5th March 2020

ORAL ORDER :

1. Proposals seeking approval to the appointment of petitioner as a Shikshan Sevak and Assistant Teacher are rejected.
2. The proposal is rejected on the ground that the petitioner does not possess T.E.T qualification.
3. We have heard learned Counsel for petitioner and respondents.
4. Twice earlier the proposals seeking approval to the appointment of petitioner were rejected. This Court set aside the said orders.
5. The petitioner belongs to Scheduled Tribe category and is also issued with the validity certificate. According to the petitioner, the earlier grounds for rejection were that permission is not obtained, there are surplus teachers and procedure under Section 5 of the M.E.P.S. Act is not followed. The earlier orders rejecting the proposals on all these grounds were set aside. Now, the only ground for rejection of proposal is that the petitioner does not possess T.E.T. qualification.

6. Under the Right to Education Act and the Government Resolution, the time to obtain the qualification of T.E.T. was extended upto 30.3.2019. The petitioner is appointed w.e.f. 1.10.2013. At the relevant time, the approval could not have been rejected on the ground that petitioner did not possess T.E.T. qualification.

7. In light of that, the impugned order is quashed and set aside. The respondents shall grant approval to the appointment of petitioner as Shikshan Sevak for the period of three years and thereafter as Assistant Teacher.

8. The Education Officer is at liberty to take further steps as is permissible in law, if the petitioner has not cleared T.E.T. qualification as per the time stipulated.

9. Writ Petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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