

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.545 OF 2020

SIR SAYYED EDUCATION SOCIETY THROUGH IT'S SECRETARY AND
ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr.S.S.Kazi, Advocate for the petitioners.
Mr.S.B.Yawalkar, AGP for respondent No.1.

(CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, JJ)

DATE : JULY 6, 2021

PER COURT :

1. None appears for respondent No.2, though served.
2. Petitioner No.2 is not granted continuation and approval on the ground that he has not passed the TET (Teachers' Eligibility Test) examination. The issue, whether such a condition would be applicable to teachers who are employed in Minority Community Institutions under the RTE Act, has been referred to a Larger Bench by this Court vide it's order dated 01/03/2019 delivered in WP No.13770/2018 filed by Burhani National Education Society and others Vs. The State of Maharashtra and connected matters.

3. We have also perused further orders passed by this Court on 01/03/2019 in a group of petitions, WP No.13770/2018 filed by Burhani National Education Society and others, wherein the teachers at issue were allowed to appear for the TET examination without prejudice to the claims made by the Educational Institutions that the said condition is not applied to the Minority Institutions. In order dated 12/12/2019, this Court recorded that the teacher at issue was appearing in the TET examination without prejudice to his rights.

4. In this backdrop, Mr.Kazi submits on instructions from petitioner No.2 that he would appear for the TET examination at the first available opportunity from today and he is confident that he would pass the examination.

5. In the above backdrop, we dispose off this petition with a direction to the Education Officer to consider the proposal of petitioner No.2 for continuation and payment of salary and the same would not be withheld on the ground that petitioner No.2 does not possess TET qualification. Needless to state, this order and the benefits that would be available to petitioner No.2, would be subject to the decision in the pending reference case before to the Larger

Bench. In the event, petitioner No.2 is adversely affected by the decision arrived at by the Larger Bench, he would be at liberty to seek redressal of his grievance.

(S.G. MEHARE)

(RAVINDRA V. GHUGE, J.)