

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 935 OF 2021

Pranali Vasant Redkar

... Petitioner.

V/s.

The State of Maharashtra, through its
School Education & Sports Department
& Another

... Respondents.

Mr. Surendra Kumar Chaudhari, for the Petitioner.

Mr. N.C. Walimbe, AGP, for the Respondents-State.

**CORAM : NITIN JAMDAR AND
AMIT BORKAR, JJ.**

**DATE : 31 JANUARY 2022.
(Through Video Conferencing)**

P.C. :

Heard learned Counsel for the parties.

2. The Petitioner has challenged notice dated 21 December 2020 and the order of termination dated 5 January 2021. The Petitioner working as Assistant Teacher was given notice as to why Petitioner's services be not terminated for failure to pass the Teacher Eligibility Test ("TET") within the stipulated time. Thereupon the Petitioner came to be terminated.

3. This Petition is filed in February 2021 and is pending. The Petitioner has mentioned in the Petition that the Petitioner had appeared for the TET examination in January 2021 and has annexed the hall ticket. Learned Counsel for the Petitioner has cleared this examination and, therefore, today holds the requisite qualification. This development has taken place after the Petition and, therefore, it does not find place in the Petition. We accept the statement of the learned Counsel for the Petitioner that the Petitioner has cleared the TET examination.

4. After passing the examination the Petitioner has not made any request to the Respondent – authorities to reconsider the matter. It would be the decision of the Respondents to take as to what is to be done if after termination the teacher has acquired TET qualification. This decision will have to be taken by the Respondents as there may be many other cases of this nature and a uniform approach will need to be taken.

5. We dispose of the Petition permitting the Petitioner to make representation to the Respondent – authorities on the basis that the Petitioner has passed the TET examination for reinstating the Petitioner. The representation would be decided by the Respondents as per law preferably within period of six weeks. Though we stipulated this period, we have to keep in mind that a policy decision will have to be taken in this regard.

6. Learned Counsel for the Petitioner states that for the period the Petitioner has worked, the Petitioner's salary was not paid. As rightly pointed out by the learned AGP, this responsibility will be on the Respondent – Management. Strangely, the Petitioner, in spite of arguing that Petitioner is in need of money and though entitled to receive salary from the Respondent – Management, in spite of specific questions asked to the learned Counsel for the Petitioner, the Petitioner has chosen not to seek a direction to the Respondent – Management to pay the amounts. Therefore, we doubt the bona fide of this approach. No further order can be passed.

7. Writ Petition is accordingly disposed of.

(AMIT BORKAR, J.)

(NITIN JAMDAR, J.)