

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

6 WRIT PETITION NO.1503 OF 2023

ANJUMAN ISHAT-E-TALEEM TRUST AURANGABAD,
THROUGH ITS SECRETARY AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH PRINCIPAL SECRETARY AND ANOTHER

...
Advocate for Petitioners : Mr. S. S. Kazi.
AGP for Respondent/State : Mr. S. K. Tambe.
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CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.

DATE : 17th April, 2023.

Per Court:

1. The Petitioners pray that the impugned order passed by the Education Officer, refusing to grant approval to the appointment of Petitioner No.2 as a Shikshan Sevak, since Petitioner No.2 has not cleared the TET, be quashed and set aside.

2. This Court (Coram: S. V. Gangapurwala and Shrikant D. Kulkarni, JJ.) has delivered a judgment on 11th June, 2021 in Writ Petition No.4904 of 2020 (Sagar Gopichand Bahire Vs. The State of Maharashtra and others) and connected Writ Petitions, concluding that a non TET teacher has no right to remain in employment. Termination of service was sustained. The matter is now before the Honourable Supreme Court, which has directed *status-quo* to be maintained.

3. In view of the above, until the law is settled, in the light of the pending proceedings before the Honourable Supreme Court, the Petitioners cannot seek any further service benefits. As such, this **Petition, being premature, is disposed off** with a direction to the employer – Petitioner No.1 not to dispense with the service of Petitioner No.2 until the Honourable Supreme Court decides the pending issue. The Petitioners obviously cannot claim further service benefits in the absence of TET as the law is yet to be crystallized. Petitioner No.2, would therefore, continue as a Shikshan Sevak and would be entitled for remuneration as is payable.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]