

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

WRIT PETITION NO.10768 OF 2023

**SUVARNA CHABU MORE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...
Advocate for the Petitioner : Shri Dighe Vitthal Haribhau
AGP for Respondents 1 and 2/State : Shri S.K. Tambe
...

**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 01st September, 2023

Per Court :-

1. The learned Advocate for the Petitioner submits that the Petitioner is a widow, whose husband, an approved Assistant Teacher, passed away due to Covid on 06.08.2020. The Petitioner was appointed as a Shikshan Sevak on 24.06.2021 on compassionate basis. Her proposal for approval has been rejected vide the impugned order dated 17.04.2023 on the ground that she does not have the TET qualification. He points out clause 3 of the Government Resolution dated 20.01.2016, which indicates that a person being appointed on compassionate basis as a Shikshan

Sevak, does not require a TET or CTET qualification.

2. The learned AGP has strenuously defended the impugned order contending that the provisions of the Right of Children to Free and Compulsory Education Act, 2009, are binding on everybody. TET is compulsory.

3. The Government Resolution dated 20.01.2016 has been introduced by the School Education and Sports Department, State of Maharashtra. Whether, it gives a special concession to the compassionate appointees by restricting the same only to the appointment of Shikshan Sevaks, will have to be considered by the Education Officer. The impugned order is a cryptic order and apparently, the Government Resolution dated 20.01.2016 was not brought to his notice or he has lost sight of the same.

4. In view of the above, **this Writ Petition is partly allowed** only for the aforesaid reason. The impugned order dated 17.04.2023 is quashed and set aside and the proposal of the Petitioner is restored to the file of the Education Officer (Secondary). The Education Officer would consider the effect of the Government Resolution dated 20.01.2016 and any other GR and pass a reasoned order while arriving at a decision on the proposal of the Petitioner, within 45 days from today.

5. Needless to state, the Education Officer is at liberty to refer to further Government Resolutions or amendments or rules, if any, that may have a bearing on the case of the Petitioner.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)