

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

**WRIT PETITION NO.9601 OF 2023**

Pandit Uttamrao Mortale

... **PETITIONER**

**VERSUS**

1. The State Maharashtra,  
through its Secretary,  
School Education Department,  
Mantralaya, Mumbai-32
2. The Dy. Director Of Education,  
Aurangabad Division, Aurangabad.
3. The Education Officer (Primary),  
Zilla Parishad, Hingoli, Dist. Hingoli.
4. The Superintendent Pay Unit (Primary)  
Zilla Parishad, Hingoli, Dist. Hingoli
5. Ekatmik Gramin And Krishi Vikas Sanstha,  
Through its Secretary,  
Satkar Colony, Dattadham Parisar,  
Basmat Road, Parbhani, Tq & Dist; Parbhani
6. Anusaya Vidyamandir,  
through its headmaster, Khatkali Parisar,  
Hingoli, Tq. & Dist. Hingoli

... **RESPONDENTS**

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Advocate for Petitioner : Mr. Deshmukh Umakant B.

AGP for Respondent/State : Mrs. M.A. Deshpande

Advocate for respondent Nos.3 and 4 : Mr. Ghute Suhas B.

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**CORAM : MANGESH S. PATIL &  
SHAILESH P. BRAHME, J.J.**

**DATE : 07.08.2023**

**PER COURT :**

The petitioner who is appointed on an unaided division but is now seeking to be included in the 20% grant in aid division. A proposal forwarded by the Management in that regard has been turned down by the impugned communication on the ground that he has not passed TET examination before the cut off date i.e. 31.03.2019.

2. We have heard both the sides. Admittedly, the issue regarding such acquisition of TET prior to the cut off date is a matter which is sub judice before the Supreme Court in several SLPs. We have been passing the orders directing the authorities to consider inclusion of the names of the candidates in the Shalarth ID which orders have been declared to be subject to the final outcome of the SLP.

3. The petitioner has also placed on record orders passed in Writ Petition No.14939/2019 with connected Writ Petitions decided on 10.03.2023 and Writ Petition No.6515/2023 decided on 10.07.2023.

4. In the light of the above, we allow the writ petition partly, quash and set aside the impugned order. The respondent No.2 shall pass a fresh order on its own merit but shall not refuse to include the petitioner's name in the Shalarth Paranali on the grounds mentioned in the order which we are quashing. The decision shall be taken as expeditiously as possible and in any case within six weeks.

5. The decision would be subject to the final outcome of the matter before the Supreme Court.

**(SHAILESH P. BRAHME, J.)**

**(MANGESH S. PATIL, J.)**