

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

**21 WRIT PETITION NO.11620 OF 2023**

**REHMANIYA WELFARE EDUCATION SOCIETY KANNAD  
THROUGH ITS PRESIDENT AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

**AND**

**52 WRIT PETITION NO.11669 OF 2023**

**REHMANIYA WELFARE EDUCATION SOCIETY KANNAD  
THROUGH ITS PRESIDENT AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

**AND**

**56 WRIT PETITION NO.11673 OF 2023**

**REHMANIYA WELFARE EDUCATION SOCIETY KANNAD  
THROUGH ITS PRESIDENT AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

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Advocate for Petitioners : Mr. Kazi S.S.  
AGP for Respondents/State : Mr. S.K. Tambe

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**CORAM : RAVINDRA V. GHUGE &  
Y.G. KHOBRAGADE, JJ.  
DATE : 20<sup>th</sup> September, 2023**

**PC. :-**

1. In all these petitions, the first Petitioner is the same Education Society which espouses the cause of the other Co-Petitioners. In all these

matters, the employees who are Co-Petitioners, have been granted approval on no grant basis and they are presently teaching in the education institutions operated by the first Petitioner. Out of all these Petitioners, only Petitioner No.2 in Writ Petition No.11673/2023, namely Sayed Mohammed Juned Rahat Ali, is involved in the TET scam and his performance has been cancelled with the embargo that he will not appear for the TET exams until exonerated. His Writ Petition bearing No. 9527/2021 is pending in this Court and he has been protected only as against termination. All other Petitioners have not passed their TET. All of them have been granted approval on no grant basis.

2. In view of the above, the learned AGP is right in submitting that the management will have to pay the salaries of these Petitioners. The Hon'ble Supreme Court is dealing with the issue as to whether, a) TET is compulsory to all the Teachers after the introduction of the Right of Children to Free and Compulsory Education Act, 2009; b) whether TET would be compulsory even for the teachers working in the minority institutions and c) whether it would be compulsory to acquire TET qualification before the cut-off date 31.03.2019.

3. Since these Petitioners were appointed on no grant basis and are drawing their salaries from the employer, their proposal cannot be considered until they pass TET in the light of the judgment delivered by this Court on 11.06.2021 [Coram: S.V. Gangapurwala (as His Lordship then was) and

**Shrikant D. Kulkarni, JJ.] in Writ Petition No.4904/2020** (Sagar Gopichand Bahire V/s. The State of Maharashtra & Ors. Unless the said issue is adjudicated upon, granting benefits to the Petitioners would amount to extending the salary grants of the Government to candidates who are not having the requisite qualifications. In some cases, Courts have granted relief to the candidates who have passed their TET after the cut-off date or have acquired the CTET qualification.

4. In view of the above, these Petitions cannot be entertained at this stage, though the learned advocate for the Petitioners emphatically submits that all of them are going to appear for the first ensuing TET exam and all are confident that they would cleanly pass the exam.

5. The **Writ Petitions are disposed off.**

**[Y.G. KHOBRAGADE, J.]**

**[RAVINDRA V. GHUGE, J.]**