

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO.11923 OF 2023

SHITAL NIMBA NIKAM
VERSUS
THE STATE OF MAHARASHTRA THROUGH IT'S SECRETARY AND
OTHERS
WITH
905 WRIT PETITION NO.11926 OF 2023

VARSHA NANA PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH IT'S SECRETARY AND
OTHERS

Mr.Y.B.Bolkar, Advocate for the Petitioners.
Mr.P.K.Lakhotiya, AGP for Respondent Nos. 1 and 2.
Mr.A.R.Nikam, Advocate for Respondent No.3.

(CORAM : RAVINDRA V. GHUGE AND
S.G.MEHARE, JJ.)

DATE : SEPTEMBER 29, 2023

PER COURT :

1. The Petitioners in these 2 Petitions are before this Court seeking permission to register themselves on the Pavitra Portal having cleared the TAIT certificate. Both the Petitioners have acquired the D.Ed. qualification. They had earlier passed the TET. However, as their names figure in the TET scam, their performance has been cancelled.

They do not have the qualification of CTET or post graduate with B.Ed. This Court has delivered an extensive order on 14.09.2023 in WP 8534/2023 (**Hina Kausar Mohammad Riyaz Vs. State of Maharashtra and Others**). The qualifying clauses / types of eligibility for a candidate to appear for the TAIT and on passing the said examination, register on the Pavitra Portal, are set out in the said order.

2. Prima facie, since the Petitioners are only D.Ed and rely upon an advertisement dated 31.01.2023, wherein, the qualification is typed as D.Ed., we find that the basic GR dated 07.02.2019 mandates TET qualification. If a candidate desires to teach the 1st to 5th standard, the statute also prescribes the said qualification. No GR or advertisement can nullify or neutralize a statutory provision.

3. In view of the above, **these two Petitions are disposed off** with the observation that only if the Petitioners are eligible in the light of the order dated 14.09.2023, their case may be considered.

(S.G.MEHARE, J.)

(RAVINDRA V. GHUGE, J.)