

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13717 OF 2023

MULLA MUDASSAR JILANI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

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Advocate for the Petitioner : Shri G.R. Syed
AGP for Respondents 1 to 3/State : Shri A.V. Deshmukh
Advocate for Respondent 4 : Shri B.B. Bhise

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

DATE :- 01st November, 2023

Per Court :-

1. The Petitioner is refused approval for five reasons set out in the impugned order.
2. Insofar as the first objection is concerned, an earlier order of this Court dated 10.03.2023 in Writ Petition No.14939/2019 and group of cases (*Sumedhbodhi Dadarao Kayapak vs. State of Maharashtra and others*), would temporarily protect the Petitioner subject to an affidavit undertaking that if the Honourable Supreme Court concludes that the TET is compulsory, the Petitioner would relinquish his employment.

3. However, there are four grounds on which, the approval is refused which need to be considered for the reason that those are in the nature of objections on deficiencies in the proposal.

4. In view of the above, **this Writ Petition is partly allowed** and the impugned order dated 01.03.2023 is set aside with the following directions:-

(a) The Petitioner shall file an affidavit undertaking with the Employer as well as the Education Officer, and in this Court in this proceeding, within 30 days from today declaring that if the Honourable Supreme Court concludes that the TET is compulsory, the Petitioner would be bound by the conclusions and would, accordingly, relinquish the employment since he has not passed his TET.

(b) Other objections with regard to the deficiencies in the proposal, would be cured by the Management within 45 days from the date of receipt of this order and, the proposal, complete in all respects, would be re-tendered to the Education Officer, within 15 days thereafter.

(c) The Education Officer would deal with the said proposal within 45 days from the date of its receipt from the

management. Clause (a) herein above takes care of the TET deficiency and the Education Officer, therefore, need not raise this ground.

(d) The Petitioner would serve a copy of this order on the Management, either by hand delivery or by speed post AD, within three weeks.

kps (Y. G. KHOBRADE, J.) (RAVINDRA V. GHUGE, J.)