

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14345 OF 2023

MINATAI AMRUTA PALLEWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

...
Advocate for the Petitioner : Shri Tukaram M. Venjane
AGP for Respondents 1 to 3/State : Shri S.G. Karlekar
...

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

DATE :- 10th November, 2023

Per Court :-

1. The Petitioner has not cleared the Teachers Eligibility Test (TET). She is in employment. A solemn statement is made on oath that she is not involved in the TET scam.
2. Several such petitions have been disposed off by this Court. One such order is passed by this Court in Writ Petition No.1334/2023 (*Shaikh Yasmin Begum Nizamuddin vs. The State of Maharashtra and others*) and a group of matters, on 01.11.2023.
3. For the reasons recorded in the order dated

01.11.2023 (supra), **this Writ Petition is partly allowed** with the same directions, which read as under:-

(a) The impugned order dated 02.11.2023 is quashed and set aside.

(b) The Petitioner would tender an individual affidavit undertaking that, she would abide by the conclusions that would be drawn by the Honourable Supreme Court, and if the verdict is adverse to those teachers who do not have the TET qualification or have cleared the TET after 31.03.2019, or as the case may be, she would abide by the same without raising any cause of action.

(c) Let such affidavit undertaking be filed in this Court within 15 (fifteen) days from today and a copy be tendered to the concerned Education Officer within the same timeline.

(d) Considering the above, the proposal of the Petitioner would be considered for entering her name in the 'Shalarth-ID' on it's own merits, save and except the reason that she is not TET qualified. Needless to state, the proposal would be decided within 30 (thirty) days after the submissions of the undertaking.

(e) If an adverse order is passed by the Honourable Supreme Court by which the teachers are covered by clause (b)

above, the State Government would not recover the salaries already paid to the Petitioner, since she has worked for those tenures and she has earned her salaries for performing her duties.

(f) In the event, the candidates like the Petitioner are protected by the Honourable Supreme Court's conclusions and they are held to be qualified to continue in employment, the Petitioner would be entitled for all service benefits like promotions, increments, etc..

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)