

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

921 WRIT PETITION NO.14295 OF 2023

**SARIKA PRAKASHRAO KULKARNI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

...

Advocate for Petitioners : Mr. Tukaram Maruti Venjane
AGP for Respondents State: Mr. P. S. Patil

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

DATE : 9th November, 2023

ORDER:

1. The Petitioners have put forth prayer clauses (B), (C) and (D) as under:

(B) This Hon'ble Court by issuing writ of certiorari or any other writ in the like nature, may kindly quash and set aside the communication dated 02.11.2023 issued by the Learned Education Officer (Secondary), Zilla Parishad, Aurngabad.

(C) This Hon'ble Court by issuing writ of mandamus or any other writ in the like nature, may kindly direct the respondents to release the monthly salary of the petitioners, at the earliest preferably within a period of 15 days from passing order by this Hon'ble Court.

(D) Pending hearing and final disposal of this Writ Petition, be pleased to stay the effect and operation of the communication dated 02.11.2023 issued by the learned Education Officer (Secondary), Zilla Parishad, Aurngabad.

2. The learned Advocate for the Petitioners submits on specific instructions that none of these Petitioners are involved in the TET scam. There is nothing adverse against them, save and except that they have not passed the TET exam. They have not even passed the CTET.

3. The Petitioners further submit that their appointments have been approved. Their names have been included in the Shalarth ID. However, the Education Officer has passed an order dated 2nd November, 2023 directing not to release the salary of the Petitioners, as they have not passed the TET exam.

4. In hundreds of cases, various Benches of this Court have granted protection to such candidates and have also directed them to enter their affidavit undertakings stating therein that, if the Hon'ble Supreme Court dealing with an identical issue, arising out of judgment dated 11.06.2021, delivered at Aurangabad in Writ Petition No.4904/2020 (**Sagar Gopichand Bahire Vs. State of Maharashtra and others**) and Special Leave to Appeal (Civ.) No.8300/2021 (**Priti Ravindra Warghante and others Vs. the State of Maharashtra and**

others), concludes that TET is compulsory, these Petitioners would give up their employment in the light of such judgment.

5. In view of the above, **this Petition is partly allowed** with the following directions:-

(A) The impugned order dated 02.11.2023 is set aside on the condition that the Petitioners shall file their individual affidavit undertaking on or before 30th November, 2023 with the employer as well as in this Court, containing the above statements.

(B) The salary benefits of the Petitioners would be released by the Education Officer after filing of such an affidavit undertaking by each of them.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

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