



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

WRIT PETITION NO. 15526 OF 2023

VIJAY GOPICHAND JADHAV

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

....

Mr. U. B. Deshmukh, Advocate for Petitioner

Mr. A. B. Girase, Government Pleader for Respondent – State

....

**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 20.12.2023

PER COURT :-

1. The Petitioner has admittedly passed the TET exam after the cut off date which is 31.03.2019. His name does not figure in the TET exam result scam.

2. An affidavit undertaking dated 10.12.2023 is filed at page No.91, wherein, the Petitioner declares that if the Hon'ble Supreme Court concludes against the Petitioner in the pending litigation pertaining to whether TET qualification is mandatory or not, the Petitioner is willing to give up all service benefits.

3. Several such petitions have been disposed off by this Court. One such order is passed by this Court in Writ Petition No.1334 of 2023 (*Shaikh Yasin Begum Nizamuddin Vs. The State of Maharashtra and others*) and a group of matters, on 01.11.2023.

4. 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 09.10.2023 is quashed and set aside.

(b) The copy of the undertaking filed in this Court at page No.91, be tendered to the concerned Education Officer.

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

(d) If an adverse order is passed by the Hon'ble Supreme Court, the State Government would not recover the salaries already paid to the Petitioner, since he has earned his salaries for performing his duties.

(e) In the event, the candidates like the Petitioner are protected by the Hon'ble 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.

[Y. G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]

SMS