

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12628 OF 2023

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| 1. Priya Ashokrao Nikam | |
| 2. Rajaneekant Ashokrao Deshmukh | |
| 3. Sagar Abhiman Sawant | |
| 4. Ujjvala Kadu Dhondge | |
| 5. Rajendra Rajaram Shirole | |
| 6. Kanchan Dadaji Bhamare | |
| 7. Sagar Prakash Waghmare | |
| 8. Nilesh Pandurang Suryawanshi | |
| 9. Amrapali Sunil Jadhav | |
| 10. Bagule Govardhan Rajendra | |
| 11. Sandip Madhukar Patil | |
| 12. Janardan Rangnath Gaikwad | .. Petitioners |

Versus

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| 1. Union of India, Aykar Bhawan, Mumbai. | |
| 2. The State of Maharashtra, Dept. of Education & Sports | |
| 3. The Commissioner, Maharashtra State Examination Council | |
| 4. Director (Secondary), Div. Commissioner Office, Pune | |
| 5. Director (Primary), Div. Commissioner Office, Pune | |
| 6. Dy. Director, Zilla Parishad, Nashik | |
| 7. Dy. Director, Zilla Parishad, Pune | |
| 8. The Education Officer (Secondary), Zilla Parishad, Nashik | |
| 9. The Education Officer (Primary), Zilla Parishad, Nashik | |
| 10. The Education Officer (Secondary), Zilla Parishad, Solapur | |
| 11. The Education Officer (Secondary), Zilla Parishad, Jalgaon | |
| 12. The Education Officer (Primary), Zilla Parishad, Dhule | |
| 13. Administrative Officer (Primary), Mun. Corpn., Nashik | |
| 14. Chairman/Secretary, Shri Chatrapati Shivaji Shikshan
Sanstha, Malegaon, Nashik | |
| 15. Chairman/Secretary, Maratha Vidyaprasarak Samaj
Nashik. | |

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| 16. Chairman/Secretary, Bhausaheb Hire Smarnika Samiti |] |
| Trust, Malegaon Camp, Nashik. |] |
| 17. Chairman/Secretary, Ekta Education Society Primary |] |
| School, Deola, Nashik. |] |
| 18. Chairman/Secretary, Vidhya Vikas Prashala Primary |] |
| School, Takli, Pandharpur, Solapur |] |
| 19. Chairman/Secretary, Gajanan Madhyamik Vidyalay, |] |
| Rajwad, Parola, Jalgaon. |] |
| 20. Chairman/Secretary, Saraswati Mata Shikshan Prasarak |] |
| Sanstha, Sakri, Dhule. |] |
| 21. Chairman/Secretary, Adarsh Prathamik Vidya Mandir |] |
| Makhamalabad, Nashik |] .. Respondents |

ALONG WITH

WRIT PETITION NO.12632 OF 2023

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|------------------------------|------------------|
| 1. Shilpa Chandrakant Ushir |] |
| 2. Manisha Deoba Sonawane |] |
| 3. Rohini Dadasaheb Kapadnis |] |
| 4. Suvarna Nanaji Kapadnis |] |
| 5. Nandkishor Eknath Sawkar |] .. Petitioners |

Versus

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| 1. Union of India, Aykar Bhawan, Mumbai. |] |
| 2. The State of Maharashtra, Dept. of Education & Sports |] |
| 3. The Commissioner, Maharashtra State Examination Council |] |
| 4. Director (Primary), Div. Commissioner Office, Pune |] |
| 5. Dy. Director (Primary), Zilla Parishad, Nashik |] |
| 6. The Education Officer (Primary), Zilla Parishad, Nashik |] |
| 7. The Education Officer, Municipal Corporation, Nashik |] |
| 8. Chairman/Secretary, Abhinav Balvikas Mandir, Kalwan |] |
| (Nakode), Kalwan, Nashik. |] |
| 9. Chairman/Secretary, Abhinav Balvikas Mandir, |] |
| Indiranagar, Nashik. |] .. Respondents |

ALONG WITH

WRIT PETITION NO.12633 OF 2023

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|-----------------------------|-----------------------|
| 1. Nivrutti Bhausahab Pawar | |
| 2. Vaibhav Surendra Patil | |
| 3. Deore Megha Ramdas | |
| 4. Deore Triveni Tukaram | .. Petitioners |

Versus

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|---|-----------------------|
| 1. Union of India, Aykar Bhawan, Mumbai. | |
| 2. The State of Maharashtra, Dept. of Education & Sports | |
| 3. Director (Primary), Div. Commissioner Office, Pune | |
| 4. Dy. Director (Primary), Zilla Parishad, Nashik | |
| 5. The Education Officer (Primary), Zilla Parishad, Nashik | |
| 6. Chairman/Secretary, Thakubai Shankar Deore
Sewabhavi Sanstha, Malegaon, Nashik. | .. Respondents |

ALONG WITH

WRIT PETITION NO.12637 OF 2023

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|-----------------------|-----------------------|
| 1. Nilesh Vasant Aher | |
| 2. Yogesh Chotu Patil | .. Petitioners |

Versus

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|--|-----------------------|
| 1. Union of India, Aykar Bhawan, Mumbai. | |
| 2. The State of Maharashtra, Dept. of Education & Sports | |
| 3. Dy. Director (Education),
Divisional Commissioner Office, Nashik. | |
| 4. The Education Officer (Primary), Zilla Parishad, Nashik | |
| 5. Administrative Officer, Municipal Corporation, Nashik | |
| 6. The Superintendent (Primary),
Pay Department, Zilla Parishad, Nashik | |
| 7. Chairman/Secretary, Swami Vivekanand Prathamik
Vidhyalay, Morwadi, Nashik | |
| 8. Chairman/Secretary,
Janata Sewa Mandal Panchavati Prathamik Vidhyalay,
Panchavati, Nashik | .. Respondents |

Mr. Sanjeev Kumar B. Deore, with Ms. Suchita J. Pawar, for the Petitioners in all the Petitions.

Mr. N.C. Walimbe, Addl. G.P., with Mr. V.M. Mali, Mr. S.B. Kalel and Mr. S.L. Babar, AGPs, for the Respondent-State.

**CORAM : A.S. CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ**

DATE : 11TH DECEMBER, 2023.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. **RULE.** Rule made returnable forthwith and heard learned counsel for the parties.

2. Each petitioner claims to have cleared the Teachers' Eligibility Test – TET after 31st March 2019. For this reason, their names have not been entered in the “Shalarth-ID” and their salary in that regard is not being released.

3. On hearing the learned counsel for the parties, we find that a similar issue has been considered and decided in Writ Petition No.11121 of 2023 (*Dattatry Devidas Sonwale and Anr. Vs. The State of Maharashtra, Through it's Principal Secretary and Ors.*) decided on 7th September 2023 at Aurangabad Bench. We find that the interest of justice would be served by issuing similar directions as issued in that order. Accordingly, for the reasons recorded in the said order dated 7th September 2023, all these Writ Petitions are disposed of with the following directions :-

- (i) The petitioners would tender an undertaking that they would abide by the conclusions that would be drawn by the Hon'ble Supreme Court and if the verdict is adverse to those teachers, who do not have the TET qualification or have cleared the TET after 31st March 2019, or, as the case may be, they would abide by the same without raising any cause of action.
- (ii) Let such affidavit-of-undertaking be filed in this Court within 15 days from today and a copy thereof be tendered to the concerned Education Officer within the same timeline.
- (iii) Considering the above, the proposals of the petitioners would be considered for entering their names in the "Shalarth-ID" on their own merits, save and except for the reason that they are not TET qualified. Needless to state, the proposals would be decided within 30 days after submissions of the undertakings.
- (iv) If an adverse order is passed by the Hon'ble Supreme Court, by which the teachers are covered by clause (i), the State Government would not recover the salaries already paid to them since they have worked for those tenures and they have earned their salaries by performing their duties.

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

4. Rule is disposed of in the aforesaid terms with no order as to costs.

[FIRDOSH P. POONIWALLA, J.]

[A.S. CHANDURKAR, J.]