

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1354 OF 2023

Kayanat Tausif Patil
Knee Kayanat Shaikh
Age: 37 years, Occu:Teacher
Residing at : M5/248, Apple CHS Ltd.
Swami Vivekanand Nagar,
Opp. Ramtekdi, Hadapsar, Pune 13 Petitioner

Vs.

1. State of Maharashtra
through the Hon'ble Secretary
School and Education Department,
Mantralaya, Mumbai – 400 032.
2. The Education Officer
Secondary and Higher Secondary
Education, Pune
Yashwantrao Chavan Bhavan,
Somwar Peth, PMC – 411001.
3. Deputy Director of Education, Pune
17, Dr. Ambedkar Marg,
Opp. To Red Temple,
Pune – 411 001.
4. Maharashtra State Council of
Examination
17, Dr.Ambedkar Road,
Pune, 01.
5. The Poona Deocesan Educational
Society
1-B, Prince Wales Drive,
Bishop's House, Pune 411 001. Respondents

Mr.Nikhil D. Waje for Petitioner.
Ms.A.A.Purav, A.G.P. for the Respondent – State

**CORAM: A.S.CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ.
DATED : 18th DECEMBER 2023**

ORAL JUDGMENT (PER : A.S.CHANDURKAR, J) :

1. Rule. Rule made returnable forthwith.
2. Heard the learned counsel for the parties.
3. The Petitioner came to be appointed as Shikshan Sevak at Respondent no.5 Institution. It is stated to be a minority institution. The Petitioner's appointment came to be duly approved initially for a period of three years. On 29th September 2020 the approval granted was for the period 15th June 2017 to 14th June 2020. By subsequent order dated 24th November 2020 onwards, approval was granted on the post of Assistant Teacher. The name of the Petitioner was sought to be included in the Shalarth Pranali. Since by the impugned communication dated 28th September 2021, the request in that regard was not accepted, the Petitioner approached this court.
4. After hearing the learned Counsel for the parties and after perusing the documents on record, we find that the Petitioner has passed the Teacher Eligibility Test (TET) in the year 2020. The issue with regard to the requirement of this qualification and for continuation of teachers in minority aided or unaided institution is the matter of reference before a

larger bench. We however, find that the coordinate bench in *Writ Petition No.6894 of 2023 (Sadaf Imamoddin Masood vs. State of Maharashtra & Ors.) decided on 2nd November 2023* has held that once appointment of teacher is duly approved then there is no reason not to include the name of such teacher in the Shalarth Pranali. In that view of the matter, the following order is passed:

- a. In view of the approval granted to the Petitioner's appointment on 24th November 2020, the name of the Petitioner is directed to be included in the Shalarth Pranali. Necessary steps in this regard be taken within a period of three months of receiving copy of this order. However, the Respondents are at liberty to take further steps in accordance with law in case the proceedings before the Hon'ble Supreme Court or the larger bench of this Court are decided and a view against grant of such relief to the Petitioner is taken.
- b. Rule is disposed of in aforesaid terms. No order as to costs.

(FIRDOSH P. POONIWALLA, J.)

(A.S.CHANDURKAR, J.)