

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5079 OF 2023

Al-Mahdi Education Trust & Anr.

.Petitioners

Vs.

The State of Maharashtra & Ors.

.Respondents

Mr. Prashant Bhavake, for the Petitioner.

Mr. V. M. Mali, AGP for the Respondent-State.

**CORAM : SUNIL. B. SHUKRE AND
SANDEEP V. MARNE, JJ.**

DATE : 11th SEPTEMBER, 2023

P. C.

. Heard. Rule. Rule is made returnable forthwith with the consent of the parties and the Petition is taken up for final disposal.

2. We find that even Petitioner No.3 had cleared the Teachers Eligibility Test (“TET”) on the date on which approval for appointment as ‘Shikshan Sevak’ was granted by the Education Officer, which was on 28th April 2016 and therefore it cannot be said that the appointment of Petitioner No.3 was made only to avoid the necessary condition of TET clearance by the Teacher being appointed. That being so, we find that the impugned order is bad in law and it deserves to be quashed and set aside.

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3. The impugned order is quashed and set aside;
4. Respondent No.4-Deputy Director is directed to include the name of Petitioner No.3 in Shalarth ID within two weeks from the date of receipt of the writ of this Court and thereafter issue necessary directions for payment of salary including arrears of salary to Petitioner No.3 within a period of eight weeks from the date of inclusion of the name of Petitioner No.3 in the Shalarth ID.
5. Rule is made absolute in the above terms. No order as to costs.

(SANDEEP V. MARNE, J.)

(SUNIL. B. SHUKRE, J.)