



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO. 1219 OF 2024

ABHIJEET VASANT SHINDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. Tukaram M. Venjane
AGP for Respondents 1 to 4/State : Mr. P.K. Lakhotiya

...

CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRAGADE, JJ.

DATE :- 31st January, 2024

Per Court :-

1. The learned Advocate for the Petitioner makes a solemn statement that the Petitioner is not involved in the TET exam result scam. He further submits that he is covered by the order dated 07.09.2023 passed by this Court in Writ Petition No.11121/2023 (*Dattatraya Devidas Sonwale and another vs. The State of Maharashtra and others*).

2. Heard the learned Advocates for the respective sides. Apparently, the Deputy Director of Education has refused approval to enlist the Petitioner in the Shalarth Pranali only on the ground that he is not TET qualified. This Court has imposed

certain conditions in the order dated 07.09.2023 (supra) in paragraph No.10, which read as under:-

- “10. In view of the above, this Writ Petition is partly allowed. The impugned order dated 11.08.2023 is quashed and set aside, with the following directions :-*
- (a) The Petitioners would tender an affidavit 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 31/03/2019, or as the case may be, they would abide by the same without raising any cause of action.*
 - (b) Let such affidavit undertaking be filed in this Court within 15 days from today and a copy be tendered to the concerned Education Officer within the same timeline.*
 - (c) 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, the reason that they are not TET qualified. Needless to state, the proposals would be decided within 30 days after the submissions of the undertakings.*
 - (d) If an adverse order is passed by the Hon'ble Supreme Court by which the teachers are covered by clause (a), 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 for performing their duties.*
 - (e) 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..”

3. By applying the same aforesaid reproduced conditions, to the Petitioner, **this Writ Petition is partly allowed.** The impugned order dated 10.11.2020 is quashed and set aside in terms of the directions (a) to (e) reproduced above. The Petitioner shall comply with the conditions (a) and (b), as directed.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)