



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

963 WRIT PETITION NO. 1844 OF 2024

PRATIBHA ASHOK BANSODE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY AND
OTHERS

975 WRIT PETITION NO. 1857 OF 2024

JAISHRI RAMSING DEVRE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY AND
OTHERS

Mr.T.M. Venjane, Advocate for the Petitioner.

Mr.PK. Lakhotiya and Mr. S.B. Narwade, AGPs for the Respondent/State.

CORAM : RAVINDRA V. GHUGE &
S.G. CHAPALGAONKAR, JJ.

DATED : 15.02.2024

PC :-

01. Both the Petitioners make a statement that they are not involved in the TET Exam Result Scam. Both do not possess the TET qualification, however, they have passed their CTET after the cut-off date which is 30.09.2019.

02. In several matters, this Court has directed such Petitioners to tender their affidavit undertaking setting forth the following statements :-

(a) The Petitioners would tender individual affidavits 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 affidavits undertakings 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 proposal of the Petitioners would be considered for entering their names in the 'Shalarth-ID' on it's own merits, save and except the reason that they are not TET qualified. Needless to state, the proposal would be decided within 30 days after the submissions of the undertaking.

(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 the Petitioners, 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."

03. In view of the above, we direct both the Petitioners to tender their affidavit undertaking to the employer as well as the Education Department within a period of 21 days from today, setting forth the above statements. After such affidavit is filed, the name of the Petitioner - Jaishri Ramsing Devre,

shall be included in the Shalarth Pranali subject to the filing of the affidavit undertaking.

04. **Writ Petition No. 1857 of 2024 is, therefore, partly allowed by setting aside the impugned order dated 16.10.2023.**

05. In Writ Petition No.1844 of 2024, for the aforesaid reasons in Writ Petition No.1857 of 2024, the present Petitioner would also tender an affidavit undertaking within the same timeline. Based on the same, the condition of passing the TET would not be made applicable until decision of the Hon'ble Supreme Court.

06. However, with regard to ground Nos.1 and 2 of the impugned order dated 23.01.2024, the learned Advocate for the Petitioner submits that there is a staff approval and that does not create any impediment for the Petitioner. So also, the chart pertaining to the strength of the students for the last standard mentioned in ground No.2, is unsustainable since such details are also available with the management.

07. The learned AGP submits that Ground Nos. 1 and 2 have been incorporated in the order since the said documents were not placed before Respondent No.3.

08. In view of the above, **Writ Petition No. 1844 of 2024 is partly allowed.** The impugned order stands set aside. On the condition of filing an undertaking, the Petitioner's name - Pratibha Ashok Bansode, would be included in the Shalarth ID. With regard to Ground Nos. 1 and 2 set out in the impugned order, we permit Respondent No.3 to re-verify the entire records. If required, call upon the management to tender such documents and thereafter pass an appropriate reasoned order taking in to account the documents placed before him. Let this exercise be completed within 90 days.

[S.G. CHAPALGAONKAR,J.]

[RAVINDRA V. GHUGE,J.]