



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 2015 OF 2024

Aarti Vidyasagarsingh Hazari

....Petitioner

VERSUS

The State Of Maharashtra Through Its Principal  
Secretary And Others

....Respondent

....

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

Mr. S. V. Hange, AGP for Respondents - State

...

CORAM : RAVINDRA V. GHUGE &  
R. M. JOSHI, JJ

DATE : FEBRUARY 21, 2024

PER COURT :

1. Admittedly, the Petitioner has not passed the TET exam. She has secured the qualification of B.A., B.Ed and M.A. Her name does not appear in the TET exam result scam.

2. In several matters, this Court at Aurangabad Bench, Nagpur Bench as well as at Principal Seat has passed conditional orders directing the Education Officer to consider the cases for grant of approval/inclusion in the Shalarth ID, notwithstanding that the candidate has not passed the TET or has passed the TET after the cut of date 31.03.2019. Vide order

dated 07.09.2023 in Writ Petition No. 11121/2023 (Dattatraya Devidas Sonwale and Another Vs. State of Maharashtra & Others), this Court has passed an extensive order and has imposed certain conditions on such candidates in paragraph 10, which read thus:

*(a) 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 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. In view of the above, **this Petition is partly allowed.** The impugned order dated 19.12.2023 is quashed and set aside. The conditions (a to e), reproduced above, would bind the Petitioner and an affidavit undertaking shall be filed in this Court as well as with the Education Officer, within the timeline set out therein.

**(R. M. JOSHI, J)**

**(RAVINDRA V. GHUGE, J)**

Malani