



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2431 OF 2024

Balaji Govindrao Wadje

VERSUS

The State Of Maharashtra Through Its
Principal Secretary And Others

...

Mr. T. M. Venjane, Advocate for the Petitioner
Mr. P. K. Lakhotiya, AGP for Respondents – State
Ms. Yogita Thorat, Advocate for Respondent No. 4

...

CORAM : RAVINDRA V. GHUGE &
R. M. JOSHI, JJ
DATE : MARCH 04, 2024

PER COURT :

1. Leave to add the Management as Respondent No.
5. Addition be carried out forthwith.

2. The learned Advocate for the Petitioner
submits that Respondent No. 5 is a formal party and he
would place a copy of this order before Respondent No.
5.

3. Heard the learned Advocates for the respective
sides.

4. This is yet one more case wherein, after the
Education Officer (Primary) noticed certain
deficiencies, instead of directing the management to

remove the deficiencies, the proposal itself has been rejected by the impugned order.

5. One of the reason for the rejection of the proposal is that the Petitioner has not acquired the TET qualification. In several cases, for example, in Writ Petition No. 11121/2023 filed by Dattatraya Devidas Sonwale and Another Vs. State of Maharashtra and others, this Court has passed a detailed order on 07.09.2023 and imposed certain conditions in paragraph 10 (a to e) as under:

(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.

6. As such, the impugned order is quashed and set aside and the proposal forwarded by the Management to the Education Officer (Primary), is restored. The said authority shall not invoke the clause of 'TET exam' in view of the reproduced directions herein above. The Management shall remove the deficiencies as stated in clauses 2, 3 and 4 of the impugned order dated 22.02.2024, within 45 days from today and shall place all the documents before Respondent No. 4, for deciding the said proposal afresh. Needless to state, the condition of TET shall not be imposed.

7. We expect that Respondent No. 4 shall pass a fresh order based on such record available, within further period of 45 days only after the Petitioner files the undertaking as directed above.

8. The conditions reproduced above in paragraph 10 (a to e), shall be applicable to the Petitioner to the extent of non-clearing of the TET qualification and such conditions shall be abided by the Petitioner.

9. In view of the above, **this Writ Petition is disposed off.**

(R. M. JOSHI, J)

(RAVINDRA V. GHUGE, J)

Malani