



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3448 OF 2024

Gajanan s/o Sheshrao Lohekar .. Petitioner

versus

The State of Maharashtra & others .. Respondents

AND

WRIT PETITION NO. 3544 OF 2024

Nandkishor s/o Rameshwar Jagtap .. Petitioner

versus

The State of Maharashtra & others .. Respondents

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

Mr. A. B. Girase, GP along with Mr. S. K. Tambe, AGP for the
Respondents.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 3rd APRIL, 2024.

PER COURT :

1. The Education Officer has declined approval to the transfer of the Petitioners from the unaided establishment to the aided establishment and for inducting their names in the 'Sharlarth-ID', for the reason that the Petitioners have not passed the TET. No other ground has been taken up in the impugned order.

2. We have passed an extensive order dated 7th September, 2023 in Writ Petition No. 11121/2023 (Dattatry Devidas Sonawale and another vs. The State of Maharashtra and others). The Petitioners make a solemn statement that their names do not figure in the TET examination result scam.

3. In view of the above order, these Writ Petitions are partly allowed. The impugned order dated 22nd March, 2024 is quashed and set aside with the following similar 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 31st March, 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. If there is any other legal impediment, the same may be considered. Needless to state, the proposals be decided on their merits 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 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.

(f) Needless to state, the Education Officer would be at liberty to consider availability of surplus teachers before taking a decision on the approval proposals.

(R. M. JOSHI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE