



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

3 WRIT PETITION NO. 6358 OF 2024

**AJITKUMAR GIRISH POLE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS**

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Shri Chalak Amol B., Advocate for the Petitioners.
Shri N.S. Tekale, AGP for Respondent No.1/State.
Shri Suhas B. Ghute, Advocate for Respondent Nos.2 and
3/State.

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**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 08th July, 2024

Per Court :-

1. The Petitioners are identically placed. They have not cleared the Teachers Eligibility Test (TET). They are in employment. They claim that they are not involved in the TET scam.

2. Both the Petitioners have tendered a common affidavit, dated 07.07.2024 with independent verification sworn before the Notary, Government of India, (five pages). Same is marked as 'X-1' for identification.

3. Several such petitions have been disposed off by this Court. One such order is passed by this Court in Writ Petition No.1334/2023 (***Shaikh Yasmin Begum Nizamuddin vs. The State of Maharashtra and others***) and a group of matters, on 01.11.2023.

4. For the reasons recorded in the order dated 01.11.2023 (supra), **this Writ Petition is partly allowed** with the same directions, which read as under:-

- (a) The impugned orders are quashed and set aside.
- (b) The Petitioners are bound by their statements made in the affidavit undertaking 'X-1' 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.
- (c) Considering the above, the fact that the Petitioners' names have been entered in the Shalarth Pranali and considering the affidavit X-1, no proposal is pending before the Authority,

save and except, that the Petitioners would be entitled for salary as would be payable, through the said system as their names have been entered in the Shalarth Pranali. However, this status has to be maintained considering the order of the Honourable Supreme Court directing 'Status Quo'.

(d) If an adverse order is passed by the Honourable Supreme Court by which the teachers are covered by clause (b) above, 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 Honourable 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) Since the Petitioners are appointed on compassionate basis, the qualification applicable for becoming Assistant Teacher cannot be diluted. Hence, their continuance would be subject to the decision of the Honourable Supreme

Court as to whether, the TET qualification is mandatory or not.

(g) Needless to state, salary payable to the Petitioners would be commensurate to the status and duties being discharged by the Petitioners.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)