



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.623 OF 2024

1. Saudagar Farheen Alim
2. Azad Education Society,
Latur Through its Secretary,
Shaikh Maroof Rashid .. Petitioners

Versus

1. State of Maharashtra
Through its Secretary,
School Education Department,
Govt. of Maharashtra,
Mantralaya, Mumbai – 400 032.
2. Education Officer (Primary),
Zilla Parishad, Dist. Latur. .. Respondents

...

WITH
CIVIL APPLICATION NO.6039 OF 2024

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Mr. Sayyed Tauseef Yaseen, Advocate for Petitioners.
Mr. R. S. Wani, AGP for Respondent No.1 – State.
Mr. P. R. Tandale, Advocate for Respondent No.2.

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CORAM : MANGESH S. PATIL AND
SHAILESH P BRAHME, JJ.

DATE : 27 JUNE 2024

ORDER :-

We have heard both the sides.

2. The petitioner No.1 has been serving with petitioner No.2 in a primary school being run by it stated to be a minority institute. The proposal for granting permanent approval was pending with the respondent No.2 Education Officer (Primary) by a subsequent proposal dated 25.10.2023. Petitioner No.2 forwarded a proposal for including petitioner No.2's name in the Shalarth Pranali for disbursement of salary. By the impugned communication, it has been rejected only on the ground that initial approval granted to the appointment of petitioner No.1 was subject to his clearing TET. He having not cleared it, the proposals have been turned down.

3. Considering the fact that the issue regarding clearing of TET by the employees of a minority institute having been put at rest in the matter of **Pramati Educational and Cultural Trust and Ors. Vs. Union of India and Ors. [2014 AIR SCW 2859]**, the impugned communication would not be sustainable. Since no other reasons have been quoted in the communication, it would be appropriate that the impugned communication is set aside and the matter is relegated back to respondent No.2 for taking appropriate decision in respect of grant of permanent approval and also for including petitioner No.1's name in Shalarth Pranali on its own merits, but not to be refused for want of TET qualification.

4. Writ Petition is partly allowed.

5. Impugned order is quashed and set aside.
6. Respondent No.2 shall pass a fresh order in the light of above observations as expeditiously as possible and in any case, within a period of four weeks, however, the approval and the decision for including petitioner's name in Shalarth Pranali shall not be rejected for the reasons impugned in the communication.
7. Pending Civil Application, if any, stands disposed of.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

scm