



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7648 OF 2024

1. Dwarka Sudam Kadam
 2. Sonaji Shikshan Prasarak Mandal
through its Secretary
Shri Rahul Bajirao Jagtap
 3. Swami Vivekanand Primary School
Majalgaon Tal-Majalgaon Dist. Beed
through its Headmaster
Shri Sudhakar Rajendra Karande
- ... PETITIONERS

VERSUS

1. The State of Maharashtra,
through its Principal Secretary,
School Education Department
Mantralaya, Mumbai - 32
 2. The Deputy Director of Education
Division Chhatrapati Sambhajanagar,
C/o Near Bhadkal Gate, Miepa Building
Chhatrapati Sambhajanagar – 431 001
 3. The Education Officer (Primary)
Zilla Parishad, Tq. and Dist. Beed.
- ... RESPONDENTS

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Advocate for the Petitioners : Mr. Sapkal Sandip R.
AGP for Respondent/State : Mr. K.S. Patil
Advocate for Respondent No.3 : Mr. P.D. Suryawanshi

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

DATE : 24.07.2024

PER COURT:

The petitioner's proposal for including her name in the Shalarth Pranali for disbursement of salary was initially rejected by the

Education Officer on the ground that she was not TET qualified. However, subsequently by communication dated 25.03.2022 (**Exhibit-E**) the selfsame Education Officer seems to have forwarded a proposal for the same purpose to the Deputy Director of Education, expressly mentioning that she is not TET qualified.

2. Learned advocate for the petitioner adverts our attention to the order passed by a coordinate division bench in the matter of **Sumedhbodhi Dadarao Kayapak Vs. the State of Maharashtra and Ors.;** (**Writ Petition No.14939/2019**) dated 10.03.2023. Learned advocate would submit that taking note of the fact that the issue regarding TET qualification *qua* minority institutes as also other institutes is sub judice before the Supreme Court which has granted a *status quo*. He would precisely point out that whether the order of the Supreme Court would operate *qua* the parties to the litigation was also addressed by the division bench, wherein, the petitioners who were similarly placed as were before the Supreme Court, the directions were issued for considering request of the teachers to include their names in the Shalarth Pranali subject to furnishing certain undertakings/affidavits and keeping aside the issue regarding TET qualification.

3. Since the proposal is still to be decided by respondent – Deputy Director of Education, no order similar to the one passed in the matter of **Sumedhbodhi Dadarao Kayapak** (*supra*) can be passed at this juncture. It would always be open, however, for the Deputy Director of

Education to bear in mind these observations and pass appropriate order.

4. There is some confusion as to if in fact the petitioner's proposal forms a part of the proposal forwarded by the Education Officer **(Exhibit-E)**, inasmuch as, though the chart annexed thereto contains her name, that has been encircled in hand, and the words have also been inserted in the remarks column in hand, indicating that she is not eligible. The learned advocate for respondent - Education Officer (Primary) submits that even if this is not the proposal in respect of the petitioner, the Education Officer (Primary) would forward a fresh proposal to the Deputy Director of Education, as expeditiously as possible, within two weeks.

5. The writ petition is disposed of by directing respondent - Deputy Director of Education to pass appropriate order on the proposal **(Exhibit-E)** dated 25.03.2022 if it has not been already decided, or the one to be forwarded by the Education Officer (Primary) hereafter, as expeditiously as possible and in any case within four weeks.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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