



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 WRIT PETITION NO. 7475 OF 2024

SEEMA VISHNUPANT JAIBHAYE
VERSUS
STATE OF MAHARASHTRA THROUGH SECRETARY AND ANOTHER

...
Advocate for petitioner : Mr. N.P. Bangar
Addl.GP for the respondent – State : Mr. A.R. Kale
...

**CORAM : MANGESH S. PATIL &
S.G. CHAPALGAONKAR, JJ.**

DATE : 09 AUGUST 2024

PC :

Petitioner is aggrieved by the impugned order passed by the respondent no.2 – Education Officer (Secondary) dated 19-01-2024 (**Exhibit – I**), refusing to grant approval to her appointment on the ground that she is not TET qualified, as is required by government resolutions dated 13 February 2013 and 27 August 2018.

2. We have heard both the sides.

3. Admittedly, the issue regarding TET qualification has been pending before the Supreme Court. In the light of that fact when the mandatory nature of TET qualification is sub-judice, the approval can be granted *albeit* the petitioner will have to undertake that any approval granted to her appointment, if any, would be subject to the final outcome of the matters before the supreme court.

4. With this limited direction, we allow the writ petition partly, quash and set aside the impugned order and direct respondent no. 2 – Education Officer (Secondary) to take appropriate decision on the proposal for grant of approval to the petitioner's appointment on its own merits but shall not reject it on the ground mentioned in the impugned communication. However, the petitioner shall submit an undertaking on affidavit before this Court that approval, if any, granted by the Education Officer (Secondary) would be subject to the final outcome of the matters before the Supreme Court.

5. The affidavit shall be filed within two weeks and the Education Officer (Secondary) shall decide the proposal within six (6) weeks thereafter.

[S.G. CHAPALGAONKAR]
JUDGE

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[MANGESH S. PATIL]
JUDGE