



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

Writ Petition No. 7008 Of 2023

Anand s/o Bapurao Watane
Age 29 years, Occ. Service as Assistant Teacher,
R/o Wasar (Bk), Tq. Jintoor, Dist. Parbhani.
Adhar No.3194 8827 5833

...Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Education Department,
Mantralaya, Mumbai – 32.
2. The Deputy Director of Education,
Aurangabad Division, Aurangabad.
- 2A. The Deputy Director of Education,
Kolhapur Division, Kolhapur.
3. The Education Officer (Secondary),
Zilla Parishad, Parbhani.
4. The Superintendent Pay Unit (Secondary),
Zilla Parishad, Parbhani.
5. Marathwada Marathi Bhamti Samaj Wajar (Bk),
Tq. Jintoor, Dist. Parbhani
Through it's President/Secretary.
6. Jawahar Secondary and Higher Secondary School,
Jintoor, Tq. Jintoor, Dist. Parbhani
Through it's Head Master.

...Respondents.

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Advocate for Petitioner : Mr. V.S. Panpatte
AGP for Respondent/State : Mr. K.N. Lokhande
Advocate for Respondent No.5 and 6 : Mr. R.C. Bramhankar

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

DATE : 5 JULY 2024

PER COURT :

. Heard the learned advocate for the petitioner, learned advocate for respondent no.5 and 6 as also the learned AGP and perused the papers.

2. The petitioner is seeking inclusion of his name in the Shalarth Pranali made available for disbursement of salary.

3. It is conspicuous that the petitioner was appointed in respondent no.6/school on 05.03.2014 as Assistant Teacher and subsequently his appointment was approved by the Education Officer. Subsequently he was transferred from unaided division to the aided division and the Education Officer had granted approval to it also.

4. The Education Officer (Secondary) by his communication addressed to the respondent – Deputy Director of Education forwarded a proposal dated 20.09.2021 for inclusion of petitioner's name in Shalarth Pranali. Till date, no decision has been rendered. It is nobody's case that the approval granted to the petitioner has been ever cancelled by the Deputy Director.

5. What the Deputy Director in the impugned communication Exhibit-L has done is that he has not questioned the initial

appointment of the petitioner or even the subsequent transfer from unaided division to aided division and has not even stated anything about the sustainability or otherwise of the orders of the Education Officer, in granting approval to both of these, appointment and transfer. The impugned communication merely refuses to include petitioner's name in the Shalarth Pranali on the ground that he had not cleared TET by the stipulated date 30.03.2019 or even thereafter.

6. Admittedly, similar issues have cropped up in various matters across the benches wherein the High Court has issued direction for inclusion of similarly placed Assistant Teachers in the Shalarth Pranali in the light of the fact that the issue as regards TET has been pending before the Supreme Court in number of special leave petitions and there has been an interim order directing status quo to be maintained.

7. In view of such state of affairs, qualification or otherwise of TET cannot prevent the Deputy Director of Education from permitting petitioner's name to be included in the Shalarth Pranali which is meant simplicitor for receiving salary, however, subject to petitioner's furnishing an undertaking. We follow the same course.

8. The writ petition is allowed partly. The impugned communication 'Exhibit-I' dated 30.03.2023 refusing to include petitioner's name in the Shalarth Pranali, is quashed and set aside.

9. The respondent no.2/Deputy Director of Education, Aurangabad shall pass fresh order directing inclusion of petitioner's name in the Shalarth Pralani as expeditiously as possible and in any case within four weeks, subject to his filing an undertaking before this Court to the effect that if so ordered by this Court he would refund the money to the State and will not claim equities in case, subject to the final outcome of the Special Leave Petition before the Supreme Court. He shall furnish a copy of the undertaking to be submitted to this Court duly certified before the respondent no.2/Deputy Director of Education.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..