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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 WRIT PETITION NO. 9962 OF 2023

Unmesh Digambar Gosavi And Another
VERSUS

The State Of Maharashtra Through Its Principal Secretary And Others

Mr.T.M.Venjane, Advocate for the Petitioners.

Mr.R.S.Wani, AGP for Respondent Nos. 1, 3 to 5.

Mr.A.R.Nikam, Advocate for Respondent No.2.

Mr.V.C.Patill h/f Mr.U.B.Bondar, Advocate for Respondent Nos. 4 and 5.

(CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.)

DATE : NOVEMBER 22, 2024

PER COURT :

1. The learned Advocate for the petitioners, on instructions submits that the petitioners do not intend and willing to prosecute the other prayer clauses except the prayer clause E-1, added by way of an amendment pursuant to the order dated 09.05.2024. We accept this statement.

2. By way of such an amended prayer clause E-1, the petitioners are taking exception to the order passed by the Education Officer refusing to grant permission to include their name in the Portal

on the ground that their names have been included in the TET scam.

3. As can be noticed, the issue regarding mandatory nature of the TET is sub judice before the Apex Court, which has granted statusquo to the operation of the order passed by the Division Bench of this Court holding it to be mandatory.

4. Considering such state of affairs, this Court has been taking into consideration the fact that the services of such teachers have been protected and they have been discharging duties, have directed their names to be included in the *Shalarth Portal*, subject to furnishing affidavit undertaking. We pass a similar order :-

(a) The writ petition is allowed partly. The petitioners would tender an undertaking that they would abide by the conclusions that would be drawn by the Supreme Court, and if the verdict is adverse to them, they would abide by the same.

(b) Let such affidavit undertaking be filed in this Court within 15 days from today and a copy be tendered to the concerned Education Officer within the same timeline.

(c) Considering the above, the proposals of the Petitioners would be

considered for entering their names in the 'Shalarth-ID' on their own merits, save and except, the reason that they are not TET qualified. Needless to state, the propoals would be decided within 30 days after the submission of the undertaking.

(d) If an adverse order is passed by the Supreme Court, the State Government would not recover the salaries already paid to them, since they have worked for those tenures and they would earn their salaries for performing their duties.

(e) In the event, the petitioners are protected by the 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.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)