



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

WRIT PETITION NO. 10410 OF 2023

MANGESH RAGHUNATH GAIKWAD

VERSUS

**THE STATE OF MAHARASHTRA THROUGH
SECRETARY ADMINISTRATION AND OTHERS**

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Advocate for Petitioner : Mr. Tukaram Maruti Venjane

AGP for Respondents/State : Mr. V.M. Chate

Advocate for Respondent No.4 & 5 : Mr. Bondar Uttam Bajirao

Advocate for Respondent No.6 & 7 : Mr. Vikrant Valse

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

DATE : 25 SEPTEMBER 2024

PER COURT :

. Heard.

2. The petitioner is challenging the order dated 09.06.2023 passed by the respondent no.2 and the order 31.10.2023 passed by the Respondent No.4/Education Officer, refusing to grant permission for including his name in the Shalarth ID for disbursement of salary on the ground that he had not passed Teacher Eligibility Test examination (T.E.T.) as per the Government decision dated 13.02.2013.

3. It is common knowledge that the subject pertaining to the T.E.T. qualification is already sub judice before the Supreme Court which has directed status-quo to be maintained.

4. In the light of the peculiar circumstances as noted above, we find that, it would be appropriate to bind the petitioner with an undertaking that, he would abide by the decision of the Hon'ble Supreme Court, and if it is concluded by the Hon'ble Supreme Court that, he cannot be continued in employment, he would suffer the consequences. By filing such undertaking the equities would be balanced while passing an order granting him the salaries by allotment of 'Shalarth ID'. Needless to state that, if the Hon'ble Supreme Court concludes that the TET is mandatory, such teachers will then have to be removed from employment.

5. In view of the above, this Writ Petition is partly allowed. The impugned orders are quashed and set aside, with the following directions :

(a) The petitioner would tender an undertaking that, he would abide by the conclusions that would be drawn by the Hon'ble Supreme Court, and if the verdict is adverse to those teachers who do not have the TET qualification or have cleared the TET after 31/03/2019, or as the case may be, they would abide by the same without raising any cause of action.

(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 proposal of the petitioner would be considered for entering his name in the 'Shalarth-ID' on his own merits, save and except, the reason that he is not TET qualified. Needless to state, the proposal would be decided within 30 days after the submission of the undertaking.

(d) If an adverse order is passed by the Hon'ble Supreme Court by which the teachers are covered by clause (a), the State Government would not recover the salaries already paid to them, since they have worked for those tenures and they have earned their salaries for performing their duties.

(e) In the event, the candidates like the petitioner is protected by the Hon'ble Supreme Court's conclusions and he is held to be qualified to continue in employment, he would be entitled for all service benefits like promotions, increments, etc.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..