



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9064 OF 2024

SHRIHARI DNYANOBA MEHTRE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr. U. B. Deshmukh, Advocate for the petitioner

Mrs. P. J. Bharad, AGP for the respondents/State

Mr. Suhas Shirsat, Advocate for respondent nos.3 and 4

...

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

DATE : 23.08.2024

PER COURT :

Heard.

2. Issue notice to the respondents. Learned AGP waives service of notice on behalf of respondent nos. 1 and 2. Mr. Shirsat, learned counsel waives service of notice on behalf of respondent nos. 3 and 4.

3. The petitioner is aggrieved by the communication dated 05/08/2024 whereby respondent no.3-Education Officer (Primary) has refused to forward the proposal for including petitioner's name in Shalarth Pranali on the ground that he was not TET qualified.

4. Admittedly, the issue regarding mandatory nature of the TET has been sub judice before the Supreme Court. The order of this bench holding it to be mandatory is challenged. By way of interim relief the Supreme Court has directed status quo to be maintained.

5. In the light of similar status of affairs this Court has been directing the similar proposals to be considered without insisting for TET qualification, however, expressly directing the approvals/ decisions to be dependent upon the final outcome of the matter before the Supreme Court. Hence the order.

ORDER

(i) The writ petition is allowed partly.

(ii) The impugned order is quashed and set aside.

(iii) The respondent no.-3- Education Officer (Primary) shall forward the proposal to the Deputy Director of Education without insisting for TET qualification and even the later shall consider the proposal without any such any insistence, however, subject to the affidavit of undertaking (Exhibit-I).

(iv) The petitioner shall submit a copy of this affidavit of undertaking before the respondent no.-3- Education Officer (Primary).

(v) The Education Officer shall forward the proposal within three

(03) weeks and the Deputy Director of Education shall consider and decide it on its own merits within four weeks thereafter.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SSP