



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

WRIT PETITION NO. 12008 OF 2024

Sharmila Motilal Badgujar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Ramesh I. Wakade, Advocate for the Petitioner.

Shri S. P. Joshi, A.G.P. for the Respondent Nos. 1 to 3.

Shri D. A. Karnik, Advocate for Respondent No. 5.

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

DATE : 24 OCTOBER 2024.

FINAL ORDER :

. The petitioner whose appointment was approved on probation is aggrieved by the impugned communication, whereby, the Education Officer (Secondary) has refused to grant permanent approval on the ground that she is not TET qualified as per the Government Resolution issued pursuant to the directions in the Writ Petition No. 4640 of 2016 dated 12.12.2017 and in the light of the Government Resolution dated 13.02.2013.

2. Considering the fact that issue regarding eligibility, vis-a-vis TET qualification has been pending before the Supreme Court, the decision of this Court holding it to be mandatory has been stayed by the Supreme Court, this Court has been repeatedly directing decisions to be taken without resorting to

this ground while considering the request for approval, making such approval vulnerable, based on the decision of the Supreme Court.

3. The writ petition is partly allowed. The impugned communication is quashed and set aside. The respondent – Education Officer shall consider the proposal afresh on its own merits, however, it shall not be rejected on the ground mentioned in the impugned communication (**Exhibit – A**). The decision shall be taken as expeditiously as possible, and in any case within a period of four (04) weeks from today. Approval granted, if any, pursuant to the present order would be subject to the final outcome of the matters before the Supreme Court.

[SHAILESH P. BRAHME J.]

[MANGESH S. PATIL, J.]

bsb/Oct. 24