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

950 WRIT PETITION NO. 13642 OF 2024

Shri. Rohitkumar Ritaram Lilhare

VERSUS

1. State of Maharashtra,
Thr. its Secretary,
School Education and Sports
Department, Mantralaya, Mumbai
2. Deputy Director of Education, Nagpur
3. Education Officer (Secondary),
Zilla Parishad, Gondia
4. Shri. Gujarati Rashtriya Kelwani Mandal,
Thr. its President,
Tq. & Dist. Gondia
5. Gujarati National High School,
Thr. its Headmaster, Rail Toli,
Gondia

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Mr V. S. Panpatte, Advocate for petitioner

Mr M. M. Nerlikar, Addl.G.P. for respondent Nos.1 to 3

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 13th December, 2024

PER COURT:

1. We have heard both the sides i.e. learned advocate for the petitioner and the learned A.G.P. for respondent Nos.1 to 3.

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2. The petitioner was appointed as a 'Shikshan Sevak' by respondent No.4/Management in respondent No.5/School, which is a minority institute. He is aggrieved by the fact that the proposals for granting continuation has been turned down by the impugned communication only on the ground that a TET passing certificate was not annexed to the proposal.

3. We need not refer to the checkered history. Issue regarding mandatory nature of TET qualification provided under the Right of Children to Free and Compulsory Education Act, 2009 is sub judice before the Supreme Court.

4. Independently, even the issue regarding mandatory nature of TET qua the teachers from minority institutes is also pending before the Supreme Court. The order of the Division Bench of this Court holding it to be mandatory has been challenged and the Supreme Court has directed status quo to be maintained in Special Leave to Appeal No.8300/2021 by the order dated 05/07/2021.

5. In the light of above, this Court has been consistently directing the proposals to be considered independent of the issue regarding TET qualification for granting of approval, for inclusion of

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the name of in the Shalarth Pranali for disbursal of salary etc. expressly making such decision subject to the final outcome of the Special Leave to Appeal No.8300/2021.

6. The writ petition is allowed partly. The impugned order is quashed and set aside. The matter is remitted back to respondent No.3/Education Officer (Secondary), Zilla Parishad, Gondia for decision afresh in the light of the above observations. He shall not reject it on the ground of absence of TET passing certificate. Any approval granted shall be subject to the final outcome of the matter before the Supreme Court in the aforementioned Special Leave to Appeal. A fresh decision shall be taken as expeditiously as possible and in any case within a period of six weeks.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

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