



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14538 OF 2023

Dnyaneshwar s/o Kautik Dhormare ... PETITIONER

VERSUS

1. The State of Maharashtra,
through it's Secretary,
Education and Sports Department,
Mantralaya, Mumbai-32.
2. The Deputy Director of Education
Aurangabad Division, Aurangabad.
3. The Education Officer (Primary),
Zilla Parishad, Aurangabad.
4. Rajmata Jijau Bhauuddeshiya Sanstha Sillod,
Near Tirupatinagar Tal. Sillod, Dist. Aurangabad.
through it's Secretary.
5. Bhagwan Mahaveer Primary School,
Main Road, Mukundwadi,
Tal. & Dist. Aurangabad.
through it's Head Master

... RESPONDENTS

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Advocate for the Petitioner : Mr. Wakade Ramesh I.

AGP for Respondents: Mrs. S.S. Joshi

Advocate for Respondent No.3 : Mr. P.R. Nangare

Advocate for Respondent Nos.4 and 5 : Mr. D.A. Karnik

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

DATE : 05.08.2024

PER COURT:

The petitioner whose appointment was approved on probation is aggrieved by the impugned communication, whereby, the Education Officer (Primary) has refused to grant permanent approval on

the ground that he is not TET qualified as per the Government Resolution issued pursuant to the directions in the writ petition No.4640/2016 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 approvals, 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 – I**). The decision shall be taken as expeditiously as possible, and in any case within four weeks. 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.)