



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

63 WRIT PETITION NO. 14156 OF 2023

DIPAK ANNA JANJAL

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. Panpatte V. S.

AGP for Respondent nos. 1 & 2 : Mr. N.D. Batule

Advocate for Respondent no. 3 : Mr. Indrajeet Kharat h/f Mr. Nangare
Prashant R.

...

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

DATE : 19.08.2024

PER COURT :

Heard.

2. The petitioner, who claims to be appointed by respondent no. 4- management in respondent no 6-school stated to be a minority institute, is aggrieved by the impugned communication refusing to grant approval to his appointment on the ground that he is not TET qualified.

3. The issue regarding mandatory nature of TET qualification qua the employees of the minority institute is sub judice before the Supreme Court, which has directed *status quo* to be maintained.

4. Even, the Director of Education (Primary) by a communication dated 24.12.2019 (Exh. 'R') seems to have issued a general circular not to insist for TET qualification while considering the grant of approval in the light of a special leave petition pending before the Supreme Court.

5. In view of above, the writ petition is partly allowed. The impugned

communication/order is quashed and set aside. The respondent no. 3 shall reconsider the proposal on its own merits but shall not reject it on the ground mentioned in the impugned communication. The decision shall be taken as expeditiously as possible, and in any case within five weeks from today. Approval granted, if at all, would be subject to the decision of the Special Leave Petition (Civil) Diary No. 17702/2021, pending before the Supreme Court.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-