



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

WRIT PETITION NO. 13623 OF 2024

**SWATI VASANT PATIL
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

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Advocate for the Petitioner : Mr. Wakade Ramesh I.
AGP for Respondents/State : Mr. A.S. Shinde
Advocate for Respondent No.4 & 5 : Mr. Avinash D. Agha h/f
Mr. Balaji Shinde
Advocate for Respondent No.6 & 7 : Mr. Vasant B. Patil

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**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 13th DECEMBER 2024

PER COURT :

. Heard.

2. Issue notice to the respondents. Learned AGP waives service of notice for respondent nos. 1 to 3. Mr. Agha learned Counsel waives service for respondent nos. 4 and 5. Mr. Patil learned Counsel waives service for respondent nos. 6 and 7. The matter is taken up for final disposal at the admission stage.

3. The petitioner's grievance is that her name was included in the online portal and she was receiving salary up to October, 2020. Thereafter she was not disbursed the salary on the count that she did

not pass TET examination. Learned Counsel for the petitioner refers to the correspondence made by the respondents/authorities, seeking guidelines. He also informs that the petitioner was involved in the TET scam and she was required to file Writ Petition No.11658/2022. By common order dated 24.11.2022, service of the petitioner and similarly situated, teachers were protected. The petitions are awaiting final adjudication.

4. Learned Counsel for the petitioner also invites our attention to the various orders passed by this Court when the proposals for approvals or inclusion in the online portal, were rejected for want of passing TET examination. Issue regarding mandatory nature of acquisition of TET qualification is sub judice before the Supreme Court. This Court has passed order in such matters.

5. Respondent/Management has already forwarded the proposal including the name of the petitioner and it is still to ready to forward the fresh proposal to the respondent no.3/Deputy Director of Education. The petitioner has already placed on record undertaking dated 23.09.2024. We pass following order :

ORDER

(i) Respondent no.3 shall consider the claim of the petitioner/proposal of the management for disbursing the salary in the wake of the common order dated 24.11.2022 passed in Writ Petition No.11658/2022.

(ii) The decision shall be taken within four weeks from today. He shall not reject the proposal of the petitioner only on the count that the petitioner does not have TET qualification.

(iii) With these directions, Writ Petition is disposed of.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

Najeeb..