



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

926 WRIT PETITION NO. 278 OF 2024

**KHAN FARHANA IQBAL AHMED KHAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

927 WRIT PETITION NO. 291 OF 2024

**FAKEHA ANJUM BASHIRUDDIN
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

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Mr. K. B. Jadhav, Advocate for Petitioners
Mr. P K. Lakhotiya, Mr. S. B. Narwade, AGP for State
Mr. S. R. Yadav – Lonikar, Advocate for Respondent No.4

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 11.01.2024

PER COURT :-

1. The Petitioners have not cleared the Teachers Eligibility Test (TET) or Central Teacher Eligibility Test (CTET). They are in employment. A solemn statement is made on oath that they are not involved in the TET scam.

2. Several such petitions have been disposed off by this Court. One such order is passed by this Court in Writ Petition No.1334/2023 (***Shaikh Yasmin Begum Nizamuddin vs. The State of Maharashtra and others***) and a group of matters, on 01.11.2023.

3. For the reasons recorded in the order dated 01.11.2023 (supra), **these Writ Petitions are partly allowed** with the same directions, which read as under:-

(a) The impugned order dated 02.11.2023 is quashed and set aside.

(b) The Petitioners would tender an individual affidavit undertaking that, they would abide by the conclusions that would be drawn by the Honourable Supreme Court, and if the verdict is adverse to those teachers who do not have the TET qualification or have cleared the TET after 30.03.2019, or as the case may be, they would abide by the same without raising any cause of action.

(c) Let such affidavit undertaking be filed in this Court within 15 (fifteen) days from today and a copy be tendered to the concerned Education Officer within the same timeline.

(d) Considering the above, the proposal of the Petitioners would be considered for entering their names in the 'Shalarth-ID' on its own merits, save and except the reason that they are not TET qualified. Needless to state, the proposal would be decided within 30 (thirty) days after the submissions of the undertaking.

(e) If an adverse order is passed by the Honourable Supreme Court by which the teachers are covered by clause (b) above, the State Government would not recover the salaries already paid to the Petitioners, since they have worked for those tenures and they have earned their salaries for performing their duties.

(f) In the event, the candidates like the Petitioners are protected by the Honourable Supreme Court's conclusions and they are held to be qualified to continue in employment, the Petitioners would be entitled for all service benefits like promotions, increments, etc..

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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