



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

WRIT PETITION NO. 75 OF 2024

1. Johar Education and Welfare Society,
Through its President
Mohd. Ajmal Khan s/o Mohd. Afzal Khan,
Age : 62 years, Occ.: Business,
R/o : House No.1-23-62,
Shah Bazar, Aurangabad.
2. Nazem Malik s/o. Yousuf Malik,
Age : 49 years, Occ.: Business,
R/o Flat No.G-8, VIP Hall, Central Naka Road,
Takalkar Society, Bari Colony, Aurangabad. ...Petitioners

Versus

1. The State Of Maharashtra
Through Its Secretary of
School Education and Sports Department,
Mantralaya, Mumbai-400032.
2. The Deputy Director of Education,
Aurangabad Division, Aurangabad.
3. The Education Officer (Primary),
Zilla Parishad, Aurangabad. ...Respondents

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Advocate for Petitioner : Mr. M.N. Shaikh h/f Mr. Kazi S.S.
AGP for Respondents/State : Mrs. P.J. Bharad

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

DATE : 06 AUGUST 2024

PER COURT :

. Heard.

2. The petitioner no.2 who is stated to be serving with petitioner no.1 which is a minority institute, is aggrieved by the fact that for want of his clearing a TET examination his name has not been included in Shalarth Pranali.

3. Admittedly, the issue regarding applicability of the condition/qualification of TET to the staff of the minority institute is pending before the Supreme Court. This Court has been, for the time being directing the names of similarly placed teachers of the minority institute to be included in the Shalarth Pranali, subject to the final outcome of the matter before the Supreme Court.

4. The Writ Petition is partly allowed. The impugned order is quashed and set aside. The respondent no.2/Deputy Director of Education, Aurangabad Division, Aurangabad, shall consider the petitioner no.2's case for including his name in the Shalarth Pranali independent of the fact that he has not cleared the TET. The petitioner no.2 shall file affidavit undertaking to forgo such benefits and if called upon to do so to repay the salaries if so directed depending upon the final outcome of the decision before the Supreme Court.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..