



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

WRIT PETITION NO. 11698 OF 2024

SWAPNIL BALAJI BOYANE

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS**

...

Advocate for Petitioner : Mr. Shaikh Tarek Mobin H.

AGP for Respondents/State : Mr. S.R. Yadav Lonikar

Advocate for Respondent No.3 & 4 : Mr. A. R. Syed

...

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

DATE : 18 OCTOBER 2024

PER COURT :

. The petitioner is challenging the order of respondent no.2/ Education Officer dated 14.10.2024, whereby he has refused to grant approval to the petitioner's appointment as a Shikshan Sevak by the respondent no.3/Management in the respondent no.4/school being run by it, which is stated to be a minority school, only on the ground that the petitioner has not passed/cleared TET.

2. The issue as regards mandatory nature of the TET in the light of Article 30 of the Constitution has been pending with the Supreme Court.

3. In several such matters, we have been directing the Education Officers to take fresh decision without resorting to the

reasoning as mentioned in the impugned order regarding non-clearance of TET. We follow the same course.

4. The writ petition is allowed partly. The Education Officer shall reconsider the proposal on its own merits on all counts, but shall not reject it on the ground that the petitioner has not passed the TET.

5. However the petitioner shall furnish an undertaking that if at all he is granted approval. Such approval would be subject to the final outcome of the matter before the Supreme Court.

6. The learned advocate for the petitioner tenders across the bar such affidavit/undertaking. It is taken on record.

7. The Education Officer shall pass the fresh order as expeditiously as possible and in any case within four weeks.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]