

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1069 OF 2021

Vaishali Dattatray Danke ... Petitioner

versus

The State of Maharashtra and Others ... Respondents

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Mr.S.S.Pakale, Senior Advocate with Mr.Saurabh Pakale and Mr. Nilesh Desai i/b. Ms.Padmaja Malgaonkar for the Petitioner.
Mr. B.V.Samant, Addl. GP with Ms.P.M. Joshi Deshpande, AGP for the Respondent -State.

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**CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.**

DATE : 23 February 2024.

P.C. :

The Petitioner is appointed as an Assistant Teacher in Respondent No.4's School run by Respondent No.5- Management.

2. The Petitioner is aggrieved by the direction issued by Respondent No.2 that the Petitioner's services should be terminated because the Petitioner has not passed Teacher Eligibility Test (TET) by 30 March 2019.

3. The learned Senior Advocate for the Petitioner has drawn our attention to the order passed on 8 February 2024 in Writ Petition

No. 12215 of 2023 and others which in turn refers to other orders passed by this Court both at Principal Seat and Aurangabad Bench.

4. We are informed that the issue regarding acquisition of TET is pending for consideration before the Hon'ble Supreme Court. Accordingly, we direct that the Petitioner's services be continued on following conditions and directions :

(a) The Petitioner would tender an undertaking that, she would abide by the conclusions that would be drawn by the Hon'ble Supreme Court, and if the verdict is adverse to those teachers who do not have the TET qualification or have cleared the TET after 31 March 2019, or as the case may be, they would abide by the same without raising any cause of action.

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

(c) Considering the above, the proposal of the Petitioner would be considered for entering her name in the 'Shalarth-ID' on its own merits, save and except, the reason that she is not TET qualified. Needless to state, the proposal would be decided within 30 days after the submissions of the undertakings.

(d) If an adverse order is passed by the Hon'ble Supreme Court by which the teachers are covered by clause (a), the State Government would not recover the salaries already paid to them, since they have worked for those tenures and they have earned their salaries for performing their duties.

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

5. The writ petition is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)