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

WRIT PETITION NO. 9243 OF 2024

Sunita Abhimanyu Naiknavare

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Mr. Sanjeev Kumar B. Deore, Advocate for the Petitioner.

Ms. Nisha Mehra, AGP for the Respondent Nos.1 and 2.

**CORAM : RAVINDRA V. GHUGE &
M.M. SATHAYE, JJ.**

DATE : 10th OCTOBER, 2024

P.C.:

1. The Petitioner has acquired the CTET certificate after the cut off date, 31 March, 2019. The Petitioner's service is approved. By the impugned order, the 'Shalarth-ID' is refused only for the reason that she has cleared TET after the cut off date.

2. Such issue of a Petitioner having an approval to the appointment, having passed the TET after the cut off date, has been considered by this Court in *Dattatry Devidas Sonwale And Another V. State Of Maharashtra And Others, Writ Petition No. 11121 of 2023*, decided at the Aurangabad Bench, vide order

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dated 7 September, 2023. In the said extensive order, this Court has passed an extensive order. Paragraph No. 10, imposing certain conditions, reads as under:

*“10. In view of the above, **this Writ Petition is partly allowed**. The impugned order dated 11/08/2023 is quashed and set aside, with the following directions :-*

(a) The Petitioners would tender an undertaking that, they 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 31/03/2019, 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 proposals of the Petitioners would be considered for entering their names in the ‘Shalarth-ID’ on their own merits, save and except, the reason that they are not TET qualified. Needless to state, the proposals 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 Petitioners 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."

3. In view of above and by binding the Petitioner to the directions set out in clauses (a) to (e) of paragraph 10 reproduced above, **this Writ Petition is allowed and the impugned order is quashed and set aside.** Needless to state, the directions would be squarely applicable to the parties and the Petitioner would be obliged to file an affidavit undertaking as mentioned in clause (b) above. This order will be applicable prospectively. The Petitioner would be paid salary through the 'Shalarth-ID' to the extent of the grants that are available.

(M.M. SATHAYE, J.) (RAVINDRA V. GHUGE, J.)