

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

WRIT PETITION NO. 7448 OF 2024

Hari Pandurang Rathod

...Petitioner

Versus

State Of Maharashtra And Ors

...Respondents

Mr. Rahul Kadam for the Petitioner.

Mr. S. B. Kalel, AGP for the Respondent-State

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

DATED : 20 JUNE 2024

P.C.:

1. The Petitioner has challenged the order passed by the Deputy Director of Education for not including the name of the Petitioner in Shalarth Pranali on the ground that the Petitioner has not passed Teachers Eligibility Test within the stipulated period. The Petitioner's appointment was approved initially on aided post and thereafter on 20% grant basis.

2. Learned Counsel for the Petitioner has relied upon the order passed in Writ Petition No. 6896 of 2023, which has followed the order passed by the Division Bench (Aurangabad Bench) in Writ Petition No. 11121 of 2023 dated 7 September 2023.

3. The Division Bench of this Court had taken a view that passing the Teachers Eligibility Test is mandatory. Thereafter, the proceedings reached the Hon'ble Supreme Court where order of *status quo* is granted pursuant to which the Petitioner is continued in service.

4. These facts are identical to Writ Petition No. 6896 of 2023 and Writ Petition No. 11121 of 2023 wherein the protection is granted on certain conditions. Learned Counsel for the parties are *ad idem* that the facts are similar to these Petitions.

5. Accordingly, the Writ Petition is disposed of on same terms as Writ Petition No. 11121 of 2023

6. Hence, the following order :-

(a) The impugned orders are quashed and set aside.

(b) The Petitioner would tender an undertaking that, he 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.

(c) 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.

(d) Considering the above, the proposal of the Petitioner 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.

(e) 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.

(f) 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.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)