

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

(901) WRIT PETITION NO. 4898 OF 2024

Smt. Sunita Dinesh Relekar and Ors.

...Petitioners

Versus

State of Maharashtra and Anr.

...Respondents

AND

(902) WRIT PETITION NO. 4902 OF 2024

Smt. Amrapali Dilip Sabale and Ors.

...Petitioners

Versus

State of Maharashtra and Ors.

...Respondents

Mr. Chetan G. Patil i/b. Mr. Mandar G. Bagkar, for Petitioners in both petitions.

Mr. Vikas M. Mali, AGP for Respondent Nos. 1 and 2 in WP/4898/2024.

Mr. S.H. Kankal, AGP for Respondent Nos. 1 and 2 in WP/4902/2024.

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

DATE : 21 JUNE 2024

P.C.:

. Heard learned Counsel for the parties. Perused the record.

2. The Petitioner No. 1 in both the petitions, working as

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Assistant Teachers with Petitioner No. 3- School run by Respondent No. 2- Education Institute are jointly challenging the common impugned order dated 15 May 2023 passed by Respondent No. 2- Education Officer (Primary), Zilla Parishad, Sangli. By the impugned Order, proposal for utilizing 20% grant-in-aid held admissible earlier to Petitioner No. 3- School, for payment of salary to Petitioner No 1 teacher in both petitions, has been rejected.

3. Learned counsel for the Petitioners has pointed out that by Orders dated 5 September 2018, appointments of the Petitioner No.1 in both the petitions, have been duly approved. He submits that thereafter by Order dated 22 February 2023 passed by Respondent No. 3- Deputy Director of Education Kolhapur, 20% grant in aid was made admissible to Petitioner No. 3- School and therefore, proposals were sent so that grant-in-aid could be released for payment of salary to Petitioner No. 1 in both petitions. The primary reason given in impugned order is not clearing TET examination before the cut-off date.

4. During the hearing on 4 April 2024, the learned Counsel for the Petitioners relied upon Order of this Court dated 1 March 2024 passed in Writ Petition No. 16453 of 2023 which has followed the order dated 7 September 2023 in Writ Petition No. 11121 of 2023 passed by the co-ordinate bench of this Court (at Aurangabad) and submitted that the Petitioner-teachers are ready to abide by the similar undertaking. Learned AGP had sought time to examine

whether present Petitioners-teachers are covered under said orders.

5. The learned Counsel for the parties are ad-idem that this direction would apply to the case of the Petitioners as well. Hence we dispose of these petitions, on the similar terms as imposed in Writ Petition No. 11121 of 2023, by passing following order.

- (a) The impugned orders are quashed and set aside.
- (b) The Petitioner No. 1 teachers in both petitions will 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.
- (c) Let such affidavits/undertakings be filed in this Court within 15 days from today and copies be tendered to the concerned Education Authority within the same timeline.
- (d) Considering the above, the proposals of the Petitioners would be considered on its own merits, save and except, the reason that Petitioner No. 1 in both petitions are not TET qualified. Needless to state, the proposals would be decided within 30 days after the submissions of the

undertaking.

- (e) If an adverse order is passed by the Hon'ble Supreme Court by which the Petitioner No. 1 in both petitions are covered, the State Government would not recover the salaries already paid to them, since they would have worked for tenure interregnum and they would have earned their salaries for performing their duties.
- (f) In the event, the candidates like the Petitioner No. 1 in both petitions 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.)