

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16438 OF 2023

Shaikh Bandenawaj Raheman And Ors. ...Petitioners
Versus
The State of Maharashtra and Ors. ...Respondents

WITH
WRIT PETITION NO. 16465 OF 2023

Vitthal Laxman Shedge ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

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Mr. Sanjeev Deore a/w Suchita Pawar and Jitendra Pagare for the
Petitioners.

Mr. V.M. Mali, AGP for Respondent/State in WP/16438/2023.

Ms. Nisha Mehra, AGP for Respondent/State in WP/16465/2023.

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

DATE : 16th OCTOBER, 2024

P.C. :

1. Heard the learned Advocate for the Petitioners and the
learned AGP.

2. The Petitioners are teachers whose appointments are
already approved. They have either not passed TET exam or have
cleared it after the cut off date i.e. 31st March, 2019. Their proposals for

seeking allotment of the Shalarth ID have been either rejected or kept pending, on various grounds including the ground that either they have not cleared TET or cleared it after the cut off date.

3. By a Judgment dated 10.10.2021, delivered by this Court in Writ Petition No. 6897 of 2021 and group of cases (*Ashwini Yogesh Shete v/s. State of Maharashtra and others*), this Court has concluded that when an approval to the appointment of an employee is granted, the Authority cannot refuse Shalarth ID since it is a mode of making payment of the salaries to the concerned employee.

4. In *Dattatry Devidas Sonwale And Another Vs. State Of Maharashtra And Others*, Writ Petition No. 11121 of 2023 decided on 07.09.2023, at the Aurangabad Bench, in almost same set of circumstances, this Court has imposed certain conditions in paragraph 10, which read 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.

5. The learned counsel for the Petitioners states on instructions that the Petitioners are ready to file such affidavit undertaking containing the abovestated conditions.

6. In view of the above, **these Writ Petitions are partly allowed.** The Petitioners shall tender affidavit undertakings as provided in paragraph

10(a) & 10(e) reproduced above, within 30 days. On such affidavit undertakings being filed within the stipulated time, the impugned orders rejecting the proposal to enter their names in the Shalarth ID, if any, are set aside. The Shalarth ID shall be granted to these Petitioners, who will be entitled to earn their salaries through the said mode, only to the extent of the salary grants extended to the Institution. Needless to state that, the Petitioners will be bound by the conditions below paragraph 10 reproduced above. The benefit under this order will operate prospectively.

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)