

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

WRIT PETITION NO. 2348 OF 2023

Mahesh Subhash Walke and Others ... Petitioners

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 Petitioners.
Mr.B.V.Samant, Addl. GP with T.J. Kapre, AGP for the Respondent -
State.

Ms.Vishwali V. Botle h/f. Mr. A.R.Gole for Respondent No.2.

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

DATE : 23 February 2024.

P.C. :

The Petitioners are working as Assistant Teachers with the Respondent –Management in an unaided school. It is not in dispute that approvals to their appointments have been granted on varying dates. The Petitioners are before this Court stating that their names are not being taken in Shalarth ID and it is likely because they are not cleared Teacher Eligibility Test (TET) within stipulated period, their services might be terminated. The learned Addl.GP points out that the school being an unaided school, the question of Shalarth ID would not arise.

2. The learned Senior Advocate for the Petitioners states that the Management had submitted proposal in favour of the Petitioners and therefore, the Management supporting the case of the Petitioners.

3. The only submission made by the learned Senior Advocate for the Petitioners is that the above petition is covered by the decision of this Court at Aurangabad Bench in Writ Petition No. 11121 of 2023 (Dattatry Devidas Sonwale and Anr. Vs. The State of Maharashtra through its Principal Secretary and Ors.) decided on 7 September 2023, which is followed by this Court in another batch of writ petitions with lead Writ Petition No. 12628 of 2023 vide order dated 11 December 2023. Therefore, direction is sought as per the aforesaid decision.

4. In light thereof, we dispose of the above Petition by passing 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 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) 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.

(d) 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.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)