

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3785 OF 2024

The President / Secretary, Ajinkya
Educational Career Academy And Ors. ...Petitioners

Versus

The State Of Maharashtra (thru The
Secretary School Education Dept.) And Ors. ...Respondents

Mr. Satish Raut for the Petitioners.
Ms. R.A. Salunkhe, AGP for the Respondents.

**CORAM : NITIN JAMDAR AND
M.M. SATHAYE, JJ.
DATE : 19 MARCH 2024**

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P.C. :

. Heard the learned Counsel for the parties.

2. The Relevant facts in this Petition are in paragraphs 4, 5 and 6 of the Petition which are as follows :-

“4. Petitioners state that Petitioner No.1 Management after following due process of law, appointed the Petitioner No.3 to the post of Teacher in the Petitioner No.2 School with effect from 25.11.2014. The Petitioners crave rely upon the said appointment order as an when require to this Hon’ble Court.

5. Petitioners state that after the appointment of Petitioner No.3, Petitioner No.3 joined the service of Teacher in the Petitioner No.2, School, Petitioners state that the Petitioner No.2 School thereafter forwarded proposals to the Respondent No.3 for grant of approval

to the post of Teacher with effect from the date of appointment. Petitioners further state the Respondent No.3 after scrutiny of documents submitted by the Petitioner Nos. 1 and 2, vide a letter dated 08.10.2018, granted approval to the post of Teacher with effect from 25.11.2014 unaided basis. Hereto annexed and marked as Exhibit-B is a copy of the said approval letter dated 08.10.2018, issued by the Respondent No.3.

6. Petitioners states that Petitioner No.3 has passed Central Teachers Eligibility Test (CTET) on December 2023 and got the certificate to that effect on 03.03.2023. Hereto annexed and marked as Exhibit-C is the copies of the said TET and CTET certificate of the Petitioner No.3.”

3. The learned Counsel for the parties have placed before us the order passed by the Division Bench (Aurangabad Bench) in Writ Petition No. 11121 of 2023 dated 7 September 2023 wherein the Division Bench has considered identical situation as to whether the Petitioner should be paid salary or not and has passed certain directions. The learned Counsel are *ad idem* that this direction would apply to the case of the Petitioners as well.

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

5. Hence, the following order :-

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

(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 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.

(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 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.)