

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12215 OF 2023

Ranjana Sudam Chimate

...Petitioner

Versus

The State Of Maharashtra Through The Secretary,
Department Of School Education And Sports & Ors. ...Respondents

WITH

WRIT PETITION NO. 1688 OF 2023

Sanjay Laxman Dhumal

...Petitioner

Versus

The State Of Maharashtra Through The Secretary
Department Of School Education And Sports & Ors. ...Respondents

WITH

WRIT PETITION NO. 1820 OF 2023

Bharat Rajaram Raut

...Petitioner

Versus

The State Of Maharashtra Through The Secretary
Department Of School Education And Sports & Ors. ...Respondents

WITH

WRIT PETITION NO. 9272 OF 2023

Arvind Venkatrao Kamble

...Petitioner

Versus

The State Of Maharashtra Through The Secretary
Department Of School Education And Sports & Ors. ...Respondents

WITH

WRIT PETITION NO. 8510 OF 2023

Sheetal Pramod Shilimkar

...Petitioner

Versus

The State Of Maharashtra Through The Secretary
Department Of School Education And Sports & Ors. ...Respondents

WITH

WRIT PETITION NO. 12219 OF 2023

Avinash Vanshraj Pal

...Petitioner

Versus

The State Of Maharashtra Through The Secretary
Department Of School Education And Sports & Ors. ...Respondents

WITH

WRIT PETITION NO. 12216 OF 2023

Hemlata Omkar Gore Alias Hemlata Ananda Borate ...Petitioner

Versus

The State Of Maharashtra Through The Secretary
Department Of School Education And Sports & Ors. ...Respondents

WITH

WRIT PETITION NO. 12218 OF 2023

Trupti Ramdas Khaire

...Petitioner

Versus

The State Of Maharashtra Through The Secretary
Department Of School Education And Sports & Ors ...Respondents

.....

Mr. Suresh Pakale, Senior Advocate a/w. Mr. Saurabh Pakale i/b.
Ms. Padmaja Malgaonkar, for Petitioner in all Petitions.

Mr. V.M. Mali, AGP for Respondent Nos. 1, 4, 5 & 7 in
WP/8510/2023 and for Respondent Nos. 1, 4 & 5 in
WP/12218/2023.

Mr. S.B. Kalel, AGP for Respondent Nos. 1, 4, 5 & 7 in
WP/12216/2023, for Respondent Nos. 1, 4 & 7 in
WP/9272/2023 & for Respondent Nos. 1, 4, 5 & 8 in
WP/12215/2023.

Mr. M.M. Pabale, AGP for Respondent Nos. 1, 4, 5 & 6 in WP/1820/2023 & for Respondent Nos. 1, 4, 5 & 7 in WP/12219/2022.

Mr. S.L. Babar, AGP for Respondent Nos. 1, 4, 5 & 6 in WP/1688/2023.

.....

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

DATE : 8 FEBRUARY 2024

P.C.:

1. Heard the learned counsel for the parties.

2. The Petitioners are teachers who are working and who have either not passed Teacher Eligibility Test or passed it after 31 March 2019 and therefore are not getting salary because their names are not incorporated in the Shalarth system. This issue is pending before the Hon'ble Supreme Court, in which an order of *status quo* is granted.

3. The only submission made by the senior learned counsel for the Petitioners is that the above petitions are 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. On 1 February 2024, after recording the case of the Petitioners, the matter was adjourned today for the learned AGP to examine this position. Today the learned AGP appearing for the State has confirmed that all the above petitions are covered by the said decision of this Court in Writ Petition No. 11121 of 2023.

5. In light thereof, we dispose of the above Petitions 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 31/03/2019, 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.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)