

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

WRIT PETITION NO. 5620 OF 2024

Mr. Shridhar Sataba Gurav & Ors. ... Petitioners

versus

The State of Maharashtra & Ors. ... Respondents

.....

Mr.Chetan Patil with Mr.Mandar G. Bagkar for the Petitioners.
Ms.Rupali Shinde, AGP for the Respondent -State.

.....

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

DATE : 25 APRIL 2024

P.C. :

Heard the learned Counsel for the parties.

. Petitioner No.1 is working with Petitioner Nos. 2 and 3.
Petitioner No.1 has not passed Teachers Eligibility Test (TET) prior to cutoff date. Petitioner No.1's name is not entered in Shalarth ID. Because of this position, approval to Petitioner No.1's appointment is granted.

3. The only submission made by the learned Counsel 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. 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 the above petition is covered by the said decision of this Court in Writ Petition No. 11121 of 2023.

5. In light thereof, we dispose of the above petition by passing following directions :

(a) Petitioner No.1 would tender an undertaking that he 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) Considering the above, the proposal of Petitioner No.1 would be considered for entering his name in the 'Shalarth-ID' on its own merits, save and except, the reason that he is not TET qualified. Needless to state, the proposal 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 Petitioner No.1 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.)