

2. The Petitioner no. 3, has been appointed as a Shikshan Sevak for a period of three years with effect from 15th January, 2014 till

14th January, 2017. A post had become vacant due to the superannuation of an earlier permanent employee Mrs. Hamida A. Karim. The advertisement was published in Urdu Daily 'Inquilab' on 19th May, 2013.

3. The learned Advocate for the Petitioners frankly states that when the impugned order was passed declining approval to Petitioner No.3, she did not have the Teacher Eligibility Test (TET) or Central Teacher Eligibility Test (CTET) qualification. On 25th September, 2023, she has acquired the CTET certificate. He relies upon the recent order passed by this Court dated 12th November, 2024 in Writ Petition No. 16423 of 2023 and connected Petitions wherein a conditional approval has been granted and if eligible, a conditional Shalarth ID has also been allocated.

4. The impugned order indicates three grounds for refusal of approval. Firstly, that the Petitioner did not have the TET certificate. Secondly, the Petitioner was not recruited through the Pavitra Portal. Thirdly, there was a ban on appointment of additional teachers.

5. The learned Advocate representing the Municipal Corporation and the learned AGP, have vehemently opposed this

Petition.

6. While dealing with the three grounds, the first ground can be ignored, in view of the conditions imposed by this Court vide order dated 12th November, 2024 passed in Writ Petition No. 16423 of 2023 (Stephie Sushant Ransing Vs. The State of Maharashtra and Ors.). Insofar as the second ground of the Pavitra Portal is concerned, the Petitioner was appointed on 15th January, 2014 which was much prior to the introduction of the Pavitra Portal. Insofar as the third ground is concerned, as regards availability of the surplus teachers, it is well settled that surplus teachers cannot be foisted on a minority institution unless the institution is agreeable and volunteers to absorb a surplus teacher. Reliance on the judgment dated 5th December, 2016 delivered by this Court, at the Nagpur Bench, in ***Writ Petition No. 6550 of 2016 (Shri Balmukund Rathi Shikshan Sanstha & Anr. Versus State of Maharashtra & Ors.)***, is well placed.

7. Insofar as the pre-requisites for appointment of a teacher are concerned, it is equally settled that even in minority institutions, there cannot be any dilution of the required educational qualifications for selection and appointment. Moreover, the issue is *sub-judice* as to

whether the mandatory requirement of TET/CTET prior to the cutoff date 31st March, 2019, would bind the minority institutions.

8. In our order dated 12th November, 2024 passed in Writ Petition Nos. 16423 of 2023 (Stephie Sushant Ransing Vs. The State of Maharashtra and Ors.), we had directed the Authorities to grant a conditional approval, subject to an affidavit undertaking by the candidate that if the Hon'ble Supreme Court finally concludes that the TET qualification is mandatory even to a minority institution, the said judgment would bind the candidates like the present Petitioner.

9. In view of the above, **this Writ Petition is partly allowed.** The impugned order dated 5th November, 2018 is quashed and set aside. Subject to tendering the affidavit undertaking as recorded in paragraph 10 of the judgment of this Court dated 7th September, 2023 delivered in Writ Petition No. 11121 of 2023 (Dattatry Devidas Sonwale and Another Versus The State of Maharashtra Through its Principal Secretary and Others), if the Petitioner is working as an Assistant Teacher and the Management forwards a proposal to the concerned Authority, a conditional approval can be granted.

10. If the Management forwards a proposal for grant of the Shalarth ID to Respondent No.3, the same shall be considered in the light of this order and in the light of the order dated 12th November, 2024 (supra).

(ASHWIN D. BHOBE,J.)

(RAVINDRA V. GHUGE, J.)