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

WRIT PETITION NO. 5115 OF 2024

Jyoti Nana Visave ... Petitioner
Versus
State of Maharashtra and Others ... Respondents

Mr. Rahul S. Kadam for the Petitioner.
Mr. K.S.Thorat, 'B' Panel Counsel for Respondent Nos. 1 and 2.

**CORAM : RAVINDRA V. GHUGE AND
M.M. SATHAYE, JJ.**

DATE : 10th OCTOBER, 2024

P.C.:

1. The Petitioner has acquired the CTET certificate, after cut off date, 31st March, 2019. The Petitioner's service is approved. By the impugned order the 'Shalarth-ID' is refused only for the reason that she has not acquired the TET Certificate, though she has the CTET certificate. The learned Advocate for the Petitioner makes a solemn statement on instructions that the Petitioner has not been terminated by the employer and she is still in service.

2. This issue of the Petitioner having an approval to her appointment, having passed the TET/CTET after the cut off date,

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has been considered by this Court in *Dattatry Devidas Sonwale And Another V. State Of Maharashtra And Others, Writ Petition No. 11121 of 2023*, decided at Aurangabad Bench, vide order dated 7th September, 2023. In the said extensive order, this Court has ordered in paragraph No. 10, by imposing certain conditions, as under:

“10. In view of the above, this Writ Petition is partly allowed. The impugned order dated 11/08/2023 is quashed and set aside, with the 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."

3. In view of above and by binding the Petitioner to the directions set out in clauses (a) to (e) of paragraph 10 reproduced above, **this Writ Petition is allowed and the impugned order is quashed and set aside.** Needless to state, the directions would be squarely applicable to the parties and the Petitioner would be obliged to file an affidavit undertaking as mentioned in clause (b) above. This order will be applicable prospectively. The Petitioner would be paid salary through the 'Shalarth-ID' to the extent of the grants that are available.

(M.M. SATHAYE, J.) (RAVINDRA V. GHUGE, J.)