

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

WRIT PETITION NO. 5178 OF 2024

Kiran Dilip Nikumbh And Ors.

...Petitioners

Versus

The State Of Maharashtra & Ors.

...Respondents

Mr. Sanjeev Deore a/w Ms Suchita Pawar & Mr. Jitendra Pagar for the
Petitioners.

Ms. Nisha Mehra, AGP for the Respondent-State.

Mr. A. R. Kapadnis for the Respondent Nos. 3 & 4

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

DATE : 16th OCTOBER, 2024.

P.C.:-

1. Leave to correct the description of Respondent No. 2.

Correction be carried out forthwith.

2. The Petitioners have received an approval to their appointment order. The proposal for grant of Shalarth ID is forwarded by the Head Master, on 25/03/2023, to the Education Officer (Primary) and the same is still pending decision.

3. It is concluded in several orders passed by this Court that once an approval is granted, the concerned candidate has to be allotted the

Shalarth ID and absence of the T.E.T. certificate, cannot be a reason to deny the said allotment. Keeping the said law in view, we direct Respondent No. 3 to pass an appropriate order, on or before 31/10/2024. Needless to state, the Shalarth ID would not be refused only on the ground that the Petitioners do not have T.E.T./C.T.E.T. certificate.

4. Needless to state, the Petitioners shall tender their affidavit undertaking in the light of the conclusions of this Court in paragraph no. 10 in *Dattatray Devidas Sonwale & Anr. Vs the State of Maharashtra through Principal Secretary & Ors. (Writ Petition No. 11121 of 2023)*, Bench at *Aurangabad*, reproduced hereunder:

“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."

5. With the above directions, **this Writ Petition is disposed off.**

6. The benefit of this order will operate prospectively and only to the extent of salary grant admissible.

(M. M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)