

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5990 OF 2024

Sandip Keshav Kathe And Anr

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Sanjeev Deore a/w Suchita Pawar and Jitendra Pagare for the
Petitioner.

Mr. V.G. Badgujar, AGP for Respondent Nos. 1 and 2/State.

Mr. Deepak More a/w Shivram Gawade for Respondent No.3.

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

DATE : 16th OCTOBER, 2024

P.C. :

1. Heard the learned counsel for the respective sides.
2. Admittedly, the Petitioners have received approval to their appointment orders and 20% grant-in-aid is extended to the Educational Institution w.e.f. 15.01.2024. Petitioner No.1 has acquired CTET qualification. Petitioner No.2 is yet to acquire the said qualification.
3. The learned Advocate for the parties have relied upon the order passed by the Division Bench of this Court (Aurangabad Bench) in Writ Petition No. 11121 of 2023, dated 7th September, 2023 wherein the Division Bench has considered an identical situation as to whether the

Petitioners should be paid salary or not and has passed certain directions. The learned Advocates are *ad idem* that these directions would apply to the case of the Petitioners as well.

4. Accordingly, **this Writ Petition is disposed off** on the same terms as in Writ Petition No. 11121 of 2023.

5. Hence, the following order:

(a) The impugned order is quashed and set aside.

(b) The Petitioners would tender an affidavit 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 grievance.

(c) Let such affidavit undertaking be filed in this Court within 15 days from today and a copy be served upon the concerned Education Officer within the same timeline.

(d) Considering the above, the proposal of the

Petitioners would be considered 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.

(e) If an adverse order is passed by the Hon'ble Supreme Court by which the Petitioners are covered, the State Government would not recover the salaries already paid to them, since they would have worked for those tenures and they would have earned their salaries for performing their duties.

(f) 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.

(g) The benefit of this order will be prospective and only to the extent of the admissible salary grants.

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)