

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11001 OF 2024

Prajakta Surykant Fadtare

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

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

Mr. V.G.Badgajar, AGP for Respondent Nos. 1 to 3/State.

SNEHA
NITIN
CHAVAN

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

DATE : 16th OCTOBER, 2024

P.C. :

1. The Petitioner has acquired the TET qualification after the cut-off date, 30.03.2019. Her services have been approved. In the judgment delivered at the Principal Seat on 20.10.2021, in Writ Petition No. 6897 of 2021 and group of cases (*Ashwini Yogesh Shete v/s. The State of Maharashtra and others*), this Court has ruled that if a candidate has the approval to his/her appointment, the Shalarth ID which is only a medium for making payment in a particular manner to the eligible employee, should not be denied.

2. In *Dattatry Devidas Sonawale and Another v/s. State of*

Maharashtra and others, Writ Petition No. 11121 of 2023, this Court at the Aurangabad Bench has delivered an order on 07.09.2023. In paragraph 10, this Court has concluded 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 the above, **this Writ Petition is partly allowed.**

The impugned order dated 22.02.2021, is quashed and set aside. The conditions set out in paragraph 10, reproduced above, would be squarely applicable to the Petitioner who shall tender an affidavit undertaking within a period of 30 days from today, as directed in the reproduced directions below paragraph 10. The Petitioner's name will be entered in Shalarth ID, subject to the affidavit undertaking. If the condition of filing the affidavit undertaking is not complied with, the Petitioner will not be entitled to any of the benefits as set out in paragraph 10 reproduced above and this order. The benefit of this order will operate prospectively and only to the extent of admissible salary grants.

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)