

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

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(Sr. No.35) WRIT PETITION NO. 8649 OF 2024

Swapnil Dharamraj Pal

....Petitioner

V/S

The State Of Maharashtra And Ors

....Respondents

AND

(Sr. No.48) WRIT PETITION NO. 13137 OF 2024

Neelam Sukhdev Raut

...Petitioner

Versus

The State Of Maharashtra And Ors

...Respondents

Mr. Saurabh Pakale i/b. Ms. Padmaja Malgaonkar, for the
Petitioners in both Petitions.

Mr. S H Kankal, AGP for Respondent Nos. 1, 4 & 5 in
WP/8649/2024.

Mr. B.V. Samant, Addl. G.P. a/w. Mr. S.P. Kamble AGP for
Respondent/State in WP/13137/2024.

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

DATE : 14th OCTOBER, 2024

P.C.:

1. The Petitioners have not acquired the TET
certificates. However, when the School was operated on 'no
grant-in-aid' basis, they have received approvals to their
appointment as Assistant Teachers. They are not allotted 'Salarth

Husen

ID' only because they have not cleared TET.

2. In *Dattatry Devidas Sonwale And Another V. State Of Maharashtra And Others*, this Court at the Aurangabad Bench, has passed an order on 7/9/2023 in Writ Petition No. 11121 of 2023 and a batch of Writ Petitions, concluding therein that the Petitioners would be bound by the verdict of the Hon'ble Supreme Court which is dealing with the cases of teachers who do not have TET qualifications or have obtained the TET/CTET after the cut off date 31/3/2019, or are working in the minority institutions. Those Petitioners have been directed to file their individual affidavits undertaking that if the Hon'ble Supreme Court holds against such Petitioners, they would be bound by the directions and will have to relinquish their employment.

3. In view of the above, these **Writ Petitions are disposed off** with the following directions.

(a) 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 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.

4. We make it clear that the benefit of 'Shalarth ID' will be to the extent of 20% grant-in-aid, which is presently made available to the educational institutions. This order will operate prospectively.

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