



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 5910 OF 2023

(Chetan s/o Himmatrao Lohkare and ors Vs State of Maharashtra and ors)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P.N. Shende, Advocate for petitioners.
Mr. V.A. Thakare, AGP for respondent Nos. 1 to 4/State.
Mr. P.S. Thakur, Advocate h/f Mr. F. Mirza, Advocate
for respondent No.10.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATED : 17-12-2024

The respondent Nos. 6 to 12, who are on 60% grant-in-aid have been denied salary grant which is claimed to be admissible to the petitioners to the tune of 60% from 20%, as the petitioners have not acquired TET qualification which is mandatory according to the learned AGP. He relies upon the order dated 20.8.2020 passed in Special Leave Petition (Civil) No. 12338/2020 in which it has been directed that the teachers, who were appointed and regularized as Primary Teachers shall complete TET qualification within a period of 5 years, in default of which, the State Government shall terminate their services.

2. Mr. Shende, the learned Counsel for the petitioners, submits that the petitioners would obtain the said qualification and since the matter is sub judice before the Hon'ble Apex Court, in relation to the validity of the provision making the acquisition of the qualification

compulsory, what has been held in ***Sarik Uddhav Abhang and anr Vs. State*** (WP No. 2955/2021) decided on 19.3.2024 of making the appointment of the petitioners subject to the judgment passed by the Hon'ble Apex Court should also be followed here. Even if we follow the same course of action that would not absolve the petitioners from obtaining the TET qualification or entitle them for salary to the extent grant-in-aid is being administered to the respondent Nos. 6 to 12.

3. In that view of the matter, we dispose of the petition by directing that the employment of the petitioners shall be subject to the result of the Special Leave Petition (Civil) No. 8521/2021.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

Belkhede