



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 WRIT PETITION NO. 158 OF 2025

KALPESH KAILAS PATIL

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. Wakade Ramesh I.

AGP for Respondent/State : Mr. M.M. Nerlikar

Advocate for Respondent no. 4 : Mr. D.A. Karnik

CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.

DATE : 07.01.2025

PER COURT :

Heard the learned advocate for the petitioner as also the learned A.G.P

2. The petitioner is challenging the order passed by the respondent-Education Officer (Secondary) dated 23.12.2024, refusing to grant approval to the petitioner's appointment as a 'Shikshan Sevak' on the ground that he had not passed TET.

3. The decision of a division bench of this Court holding that the TET is mandatory, is a subject matter before the Supreme Court, which has granted *status quo*. Consequently, this Court has been consistently directing the Education Officers to pass orders on merits on any such proposal sans the reasoning being accorded regarding non-clearance of the TET, making the decisions subject to the final outcome of the matter before the Supreme Court.

4. The writ petition is allowed partly.

5. The impugned order is quashed and set aside. The respondent no. 3-Education Officer (Secondary) shall pass a fresh order on the same proposal, as expeditiously as possible, and in any case within six weeks, however, it shall not be rejected on the ground that the petitioner has not cleared the TET.

6. Approval, if any, to be granted shall be subject to the final outcome of the matter before the Supreme Court.

(PRAFULLA S. KHUBALKAR J.)

(MANGESH S. PATIL, J.)

mkd/-