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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

909 WRIT PETITION NO. 190 OF 2025

SANTOSH VYANKAT HUNDEKAR

VERSUS

1. THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY,
OTHER BACKWARD CLASS SOCIAL WELFARE DEPARTMENT
2. THE REGIONAL DEPUTY COMMISSIONER, OTHER BACKWARD
CLASS SOCIAL WELFARE DEPARTMENT, LATUR
3. THE ASSISTANT COMMISSIONER, OTHER BACKWARD CLASS
SOCIAL WELFARE DEPARTMENT NANDED
4. SEVADAS SHIKSHAN PRASARAK MANDAL, NANDED
5. SECONDARY ASHRAM SCHOOL, NANDED

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Mr I. D. Maniyar, Advocate for petitioner

Mr A. V. Lavte, A.G.P. for respondent Nos.1 to 3

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 14th January, 2025

PER COURT:

1. The petitioner was appointed on 01/09/2016 as an 'Assistant Teacher' with respondent No.5/Ashram School being run by respondent No.4, functioning under the Other Backward Social Welfare Department and by the order dated 05/01/2024, approval was granted to his appointment. By the government resolution dated 24/02/2021, teachers eligibility test being conducted under the Right of Children to Free and Compulsory Education Act, 2009 was made

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applicable to the Ashram Schools in respect of all the appointments made after 13/02/2013.

2. By the impugned communication, respondent No.3/Assistant Commissioner of the Other Backward Social Welfare Department has communicated to all the Ashram Schools to terminate the services of such teachers for not cleared the teachers eligibility test and has further directed not to forward the salary bills.

3. Admittedly, the decision of this Court in the matter of **Sagar Gopichand Bahire Vs. State of Maharashtra and others** and a group of petitions, vide judgment dated 11/06/2021 delivered in Writ Petition No.4904/2020, holding the teachers eligibility test qualification to be mandatory is a subject matter of challenge before the Supreme Court, which has directed status-quo to be maintained.

4. Considering such facts scenario, this Court has been consistently stalling the termination making it clear that the protection would be subject to the final outcome of the matter before the Supreme Court in Special Leave to Appeal (Civ.) No.8300/2021.

5. We follow the same course.

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6. The writ petition is disposed of directing respondents not to terminate service of the petitioner. However, such protection shall be subject to the final outcome of the decision in Special Leave to Appeal No.8300/2021. Needless to state that such protection would include disbursement of regular salary.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

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