



Corrected copy :- corrections have been carried out in view of the speaking to the minutes of the order dated 14.02.2025)

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

WRIT PETITION NO. 636 OF 2025

**SUNIL POPAT PAWAR
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

...

Advocate for the Petitioner : Mr. Ramesh I. Wakade &
Mr. Azaroddin C. Pathan
AGP for Respondent Nos. 1 to 3 : Ms. P. J. Bharad
Advocate for Respondent Nos. 4 & 5 : Mr. V. V. Gujar
Advocate for Respondent Nos. 6 & 7 : Mr. Vasant B. Patil h/f.
Mr. D. A. Karnik

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

DATE : 12.02.2025

PER COURT :

. The petitioner, who was appointed as 'Assistant Teacher' in the year 2013 and was getting salary till recent past and his appointment was subsequently approved, is aggrieved by the fact that the salaries have been stopped for non-clearance of the TET examination.

2. We have heard both the sides.

3. The issue regarding compulsory nature of the TET qualification, as laid down in the Right of Children to Free and

Compulsory Education Act, 2009, is a subject matter of challenge before the Supreme Court in several matters, which has granted *status quo* in respect of the order of a division bench of this Court holding it to be mandatory. In light of such peculiar circumstances, this Court has been protecting the employment, making the individual to file undertaking on affidavit.

4. The writ petition is partly allowed. The impugned order/communication is quashed and set aside. The petitioner is declared to be entitled to have salary and all other service benefits but subject to the condition that he furnishes an undertaking on affidavit that he would be bound by the decision of the Supreme Court and must furnish it before this Court and produces its copy before respondent No. 4 – Education Officer within two (02) weeks.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)