



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

WRIT PETITION NO. 940 OF 2024

ISHWAR RAMRAO KHEDKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

...
Advocate for the Petitioner : Mr. S. S. Thombre
AGP for Respondents No.1 to 3 : Mr. S. R. Yadav Lonikar
...

**CORAM : S. G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATE : 02-01-2025

PER COURT:-

1. Heard both sides.
2. The petitioner has filed present petition challenging the communication dated 22.06.2023 issued by respondent No.2 / Deputy Director of Education, turning down proposal to his extent on the count that he does not possess TET qualification.
3. The petitioner's appointment was approved on 26.06.2014 by respondent No.3/Education Officer (Secondary). Further appointment on permanent basis was approved on 18.08.2016. Thereafter, his transfer was approved by respondent No.3. Respondent No.3 has forwarded the proposal for inclusion of his name in Shalarth ID. Alongwith petitioner, other teachers' proposal were also forwarded. By common order, the approvals

were granted to others. However, the petitioner's proposal was turned down.

4. The learned counsel for the petitioner tenders on record the order of this Court passed in Writ Petition No.2387 of 2024 (***Kailas s/o. Yamaji Kharat and others vs. The State of Maharashtra and others***), dated 07.08.2024, and on the ground of parity, he would request to dispose of this petition.

5. Present case is squarely covered by the order passed in ***Kailas s/o. Yamaji Kharat*** (supra). In the said order, reference is made to the earlier order passed by this Court in Writ Petition No.4904 of 22020 (***Sagar Gopichand Bahire vs. State of Maharashtra and others***) dated 11.06.2021. We also adopt the same course and reasoning.

6. In the case of similarly situated person, this Court has taken a view that when the petitioners are working, then they should get their salaries and for that purpose their name should be included in the Shalarth Pranali. We adopt the same view and, therefore, we partly allow the petition, thereby quashing the communication dated 22.06.2023, with following directions :

[a] The petitioner would tender an undertaking that he would abide by the decision to be taken by the Supreme Court, and if the verdict is adverse to his interest, he would abide by the same without raising any dispute.

- [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 proposal of the petitioner would be considered for entering his name in the 'Shalarth-ID' on its own merits, save and except, the reason that he is not TET qualified. Needless to state, the proposal would be decided within 30 days after the submission of the undertaking.
 - [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 the petitioner since he has earned their salaries by performing the duties.
 - [e] In the event the candidates like the petitioner is protected by the Supreme Court's conclusions and he is held to be qualified to continue in employment, the petitioner would be entitled for all service benefits like promotions, increments, etc.
5. Writ Petition, therefore, stands disposed of.

[SHAILESH P. BRAHME]
JUDGE

[S. G. MEHARE]
JUDGE