



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1944 OF 2023

1. Smt. Ranjana Dhanraj Korde
Age: 32 years, Occu.: Service,
Jawalaga (Pomadevi), Tq. Ausa,
District Latur.
2. Dnyanvardhini Shikshan Sanstha,
Jawalaga (Pomadevi), Tq. Ausa,
District Latur
Through its Secretary,
Anil s/o Raghunath Phadnis
Age: 51 years, Occu.: Medical Practitioner,
Jawalaga (Pomadevi), Tq. Ausa,
District Latur.

.. Petitioners

Versus

1. The State of Maharashtra
Through Secondary School
Education Department, Mantralaya,
Mumbai.
2. The Education Officer (Secondary),
Zilla Parishad Latur, Latur.

.. Respondents

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Mr. B. R. Warma, Advocate for the petitioners.

Mr. V. M. Kagne, APP for respondent No.1/State.

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 29 SEPTEMBER 2025

ORDER :

. Present petition has been filed for following reliefs :-

“A] To quash and set-aside impugned communication dated 20.03.2020 issued by respondent No.2 refusing approval to the appointment of petitioner No.1 as it is arbitrary, discriminatory, in breach of order passed by this Hon’ble Court in WP No.14399/2017, G.R. dated 30/06/2016 and dated 24/08/2018 and unsustainable in law, and appointment of petitioner No.1 be approved with all monetary benefits.

B] By issuing writ of Mandamus or appropriate writ or directions or orders in the like nature, the respondent No.2 be directed to consider proposals dated 31.10.2022 afresh seeking approval to the appointment of petitioner No.1 as per order passed by this Hon’ble Court in WP No.14399 of 2017, G.R. dated 30.06.2016 and 24.08.2018 and TET certificate and to grant the same within stipulated time period.”

2. Heard learned Advocate Mr. B. R. Warma for the petitioners and learned AGP Mr. V. M. Jaware for respondent Nos.1 and 2/State.

3. Petitioner No.1 came to be appointed as Shikshan Sevak in the year 2014 in petitioner No.2 – institution from open category and it is stated that she was appointed in place of a person, who was from open

category, however, unfortunately he had expired. The proposal dated 11.09.2015 was submitted to respondent No.2, however, it was not proposed for grant of approval to the appointment of the petitioner and, therefore, Writ Petition No.14399 of 2017 was preferred before this Court. That writ petition came to be disposed of on 25.11.2019 by giving direction to respondent No.2 to decide the proposal taking into consideration the position on the date of vacancies. According to the petitioners, respondent No.2 was not adhered to the directions by this Court. The proposal has been rejected on two counts. First is that there were vacancies in respect of the Scheduled Caste and Scheduled Tribes category respectively and there was no post available from the open category and second was the petitioner had not cleared TET exam. The petitioner states that she had attempted for the exam in November 2019, however, failed, but thereafter there was Covid-19 situation. She appeared for TET exam held on 21.11.2011 and then she cleared the same, still the fresh proposal, that was sent, came to be rejected. Hence, the petition has been filed.

4. Learned AGP relies on the affidavit-in-reply of Mr. Nagesh s/o Shankarrao Mapari, the Education Officer (Secondary), Zilla Parishad, Latur, wherein it has been stated that the cut off date to complete the TET exam was till 30.03.2019 as per Government Resolution dated 24.08.2018 and it was for the teachers who were appointed after

13.02.2013. The petitioner's appointment is after 13.12.2013 and, therefore, till 30.03.2019, it was mandatory for her to clear the exam. It is then also stated that the verification of roaster dated 06.02.2019 shown two posts in Scheduled Caste and Scheduled Tribe category. Therefore, the open category candidate ought not to have been appointed.

5. There is rejoinder also that has been filed by petitioner No.2 annexing more documents.

6. Now, as regards the TET exam is concerned, the issue stands resolved in view of the decision of the Hon'ble Supreme Court in ***Anjuman Ishaat-E-Taleem Trust vs. State of Maharashtra and others, [Civil Appeal No.1385 of 2025 decided on 01.09.2025]*** as well as the decision of this Court at Principal Seat in ***Sagar Dattatray Chorghe vs. The State of Maharashtra and others, [Writ Petition No.7943 of 2024 decided on 11.09.2025]*** and, therefore, now it can be said that the fresh period is available to the candidates, who have not completed the course or given exam of TET. In that scenario then, when petitioner No.1 has cleared the exam on 21.11.2021, then that should be looked into by respondent No.2. So also, he ought to have considered the vacancy when petitioner No.1 was appointed as Shikshan Sevak in 2014 and not that of the year 2019. Further, it appears that respondent

No.2 has not considered that the petitioner came to be appointed in place of the earlier open category candidate, who unfortunately expired. All the documents appear to have been annexed. Under such circumstance, we direct petitioner No.2 to submit a fresh proposal, with all the requisite documents, to respondent No.2 within a period of two weeks.

7. Respondent No.2 to consider this order, the decision of the Hon'ble Supreme Court in ***Anjuman Ishaat-E-Taleem Trust (Supra)*** as well as the decision of this Court in ***Sagar Dattatray Chorghe (Supra)*** and the fact that petitioner No.1 has cleared the TET exam and also should consider the date of appointment and the roster at that time, while deciding the said proposal. The said proposal be decided within a period of two months thereafter.

8. With these directions, the writ petition stands disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm