



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2293 OF 2025

1. Sakharam Namdev Lokhande
2. Anant Ramrao Gutte
3. Chandrashekhar Sudhakar Dhamangaonkar
4. Priyanka Rajendra Karad

VERSUS

1. The State Of Maharashtra Through Principal Its Secretary to the Government of Maharashtra in Other Backward Bahujan Welfare Department, Maharashtra State, Mantralaya, Mumbai – 32.
2. The Regional Deputy Commissioner, Other Backward Bahujan Welfare (Regional), Latur.
3. The Assistant Commissioner, Other Backward Bahujan Welfare, Latur.
4. Eklavya Magas Seva Samiti, Mankhed, Tq. Ahmedpur. Dist. Latur, through its President.

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Advocate for the Petitioners : Mr. Patil N.P. Jamalpurkar
AGP for Respondent Nos. 1 to 3 : Mr. V. M. Kagne

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

DATE : 20.02.2025

PER COURT :

. The petitioners were appointed on 07.02.2017, 09.08.2017, 01.07.2013 and 15.06.2015, respectively, as an 'Assistant Teachers' at various Ashram Schools being run by respondent No.4, functioning under the Other Backward Bahujan Welfare Department

and by the order dated 12.09.2019, approvals were granted to them 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 applicable to the Ashram Schools in respect of all the appointments made after 13.02.2013.

2. By the impugned communication, respondent No.3 - the Assistant Director of the Other Backward Bahujan 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.

6. The writ petition is disposed of, directing respondents not to terminate service of the petitioners. 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.)

KS_Kamble/