

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

929 WRIT PETITION NO.4061 OF 2024

Farooq Gafoor Shaikh

VERSUS

Education Officer Secondary And Others

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Shri. Laxman Vishnu Sangit, Advocate for the Petitioner

Shri. P. K. Lakhotiya, AGP for the Respondent / State.

Shri. M. D. Deshpande, Advocate for Respondent Nos.3 & 4

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**CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

Dated : JUNE 18, 2025

PER COURT :-

. Heard learned Advocate for the Petitioner, learned AGP for the Respondent Nos.1 & 2 and learned Advocate for the Respondent Nos.3 and 4.

2. The following prayers are made in the Writ Petition :

“(A) For a writ of mandamus, Order direction in the nature of mandamus or any other appropriate writ or direction, directing the respondent No.2 to grant Approval to the promotion of present petitioner as Assistant Teacher from 01/04/2019 instead Shikshan Sevak and pay the salary as per the relevant pay scale, as per the law led down by this Hon’ble High Court in Writ Petition No.7706 of 2022 dated 21/12/2023.

(B) Pass such other orders which are necessary in the facts and circumstances of the case in favour of the petitioner.”

3. The learned Advocate for the Petitioner submits that the Petitioner was initially appointed in the non-teaching cadre and thereafter he was promoted to the teaching cadre. He submits that the

Petitioner is praying for pay protection in the light of the decision of this Court at Nagpur Bench in Writ Petition No.7706 of 2022 dated 21.12.2023. He submits that the Petition be allowed.

4. The learned Advocate appearing for Respondent Nos.3 and 4 submits that they will forward the Petitioner's proposal in terms of the above referred decision of the Nagpur Bench to Respondent Nos.1 and 2.

5. The learned AGP appearing for Respondent Nos.1 & 2 – State submits that the Petitioner has not qualified the TET examination and therefore, he would not be entitled for pay protection. He submits that there is no dispute in respect of the above referred decision rendered by the Nagpur Bench of this Court.

6. After hearing both the sides and considering that this Court in similar matters directed the concerned to take appropriate decision, we proceed to pass the following order.

ORDER

(i) The Petition is partly allowed.

(ii) The Respondent Nos.3 and 4 shall forward the Petitioner's proposal to the Respondent No.1 – Education Officer (Secondary), Zilla Parishad, Ahmednagar within a period of four (4) weeks from today.

(iii) The Respondent No.1 shall consider and take appropriate decision on the said proposal of the Petitioner which would be forwarded by Respondent Nos.3 and 4, on its own merits, as expeditiously as possible and in any case within a period of four (4) weeks from the date of receipt of said proposal, in the light of the above referred decision of the Nagpur Bench in Writ Petition No.7706 of 2022 dated 21.12.2023.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP