



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9548 OF 2023

Jayapal Vasantrao Maknikar

... PETITIONER

VERSUS

1. The State of Maharashtra
through its Secretary
Department of School Education,
Mantralaya, Mumbai – 32
2. The Director of Education (Primary)
Maharashtra State, Pune - 01
3. The Deputy Director of Education,
Latur Division, Latur.
4. Education Officer (Secondary)
Zilla Parishad, Nanded
5. Superintendent of Pay Unit,
(Secondary Section) Zilla Parishad, Nanded.
6. Netaji Subhashchandra Boas
Shikshan Sanstha, Kandhar,
Tq. Kandhar Dist. Nanded.
through its Secretary
7. Mahesh Vidyalay Shevdi (Bajirao),
Tq. Loha Dist. Nanded.
through its Head Master.

... RESPONDENTS

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Advocate for the Petitioner : Mr. V.S. Panpatte

AGP for Respondents No.1 to 5 : Ms. D.S. Jape

Advocate for Respondents No.6 and 7 : Mr. R.C. Bramhankar

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CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

DATE : 11.03.2025

PER COURT:

Heard. Rule. Rule is made returnable forthwith. The learned

AGP waives service for respondents No.1 to 5. Learned advocate

Mr. Bramhankar waives service for respondents No.6 and 7.

2. The petitioner is challenging the General Circular dated 24.12.2019 issued by respondent No.2 – Director of Education (Primary) and the consequential circular issued by Respondent No.4 – Education Officer (Secondary) dated 17.01.2020, whereby, it was expressly directed that the salary bills of the teachers who do not possess TET qualification shall not be forwarded for disbursement of salaries.

3. The learned advocate for the petitioner submits that the issue regarding TET qualification being mandatory or otherwise as held by a division bench of this Court in **Sagar Gopichand Bahire Vs. State of Maharashtra and Ors.; WP No.4904/2020** is a subject matter of challenge before the Supreme Court which has directed a *status quo* to be maintained. As yet the petitioners are not terminated, however, they have not been paid salaries since the year 2020 only because of these impugned communications. He would submit that in several matters similarly placed teachers have been protected from termination and even have been directed to be considered for disbursement of salaries. It has also been expressly expected that these proposals are not rejected on the ground of want of TET qualification, subject to furnishing undertaking on affidavit to the effect that individuals would be bound by the ultimate decision of the Supreme Court.

4. Learned AGP fairly concedes the fact that the issue has been subjudice before the Supreme Court and this Court has been soliciting affidavit on undertaking subject to which they are supposed to be

considered for grant of approval/allotment of Shalarth ID/salaries.

5. Indeed there are several matters, wherein, the course has been adopted by various division benches of this Court on different occasions as has been indicted herein above.

6. When the issue regarding mandatory nature of TET qualification is a subject matter awaiting decision of the Supreme Court which has directed *status quo* to be maintained, it is but natural that having worked as a teacher the petitioner is able to get the salary.

7. In the light of the above, we allow the writ petition partly, quashed and set aside the impugned communication to the extent of the petitioner and direct the respondents No.6 and 7 to forward the salary bills to respondent No.4 – Education Officer (Secondary), who shall process it in accordance with law but shall not refuse it on the same ground namely ‘want of TET qualification with the petitioner’, on petitioner’s furnishing an undertaking on affidavit to be sworn before Registrar (Judl.) of this Court and on his producing a copy thereof before respondent No.4 – Education Officer (Secondary).

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)