



:: 1 ::

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

WRIT PETITION NO.12599 OF 2024

Ramesh s/o Shankar Bambale ... **PETITIONER**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....

Mr. L.H. Kawale, Advocate for petitioner

Mr. D.R. Korade, A.G.P. for state

Mr. A.D. Aghav, Advocate for R.No.2.

.....

WITH

WRIT PETITION NO.12600 OF 2024

Smt. Ashwini d/o Sudamrao Berad ... **PETITIONER**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....

Mr. L.H. Kawale, Advocate for petitioner

Ms R.R. Tandale, A.G.P. for state

Mr. A.D. Aghav, Advocate for R.No.2.

.....

**CORAM : R.G. AVACHAT AND
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 28th MARCH, 2025

ORAL ORDER (PER : KHUBALKAR, J.):

Heard learned counsel for the petitioners and
learned counsel for respondent No.2, so also learned A.G.Ps.

for respondent No.1 – State.

2. The petitioners have challenged the order dated 9/10/2023, passed by the respondent No.2– Education Officer, declining to distribute phasewise grants for the salary of the petitioners on the ground that the petitioners have not passed the Teachers' Eligibility Test (TET). In support of their contentions, the petitioners invite attention to the order dated 30/1/2024, passed by this Court in Writ Petition No.16460/2023 and order dated 10/8/2023, passed in Writ Petition No.9944/2022. It is submitted that, in identical fact situation, when permissions were refused for releasing the grants only on account of failure to pass TET, this Court has passed orders in several Writ Petitions. The instant petitions can be disposed of in terms of the order passed by this Court in Writ Petition No.16460/2023.

3. Learned counsel for respondent No.2 did not oppose this position. Hence, the instant petitions are disposed of by following order :

(a) The impugned orders are quashed and set aside.

(b) The petitioners would tender an undertaking that, they would abide by the conclusions that would be drawn by the Hon'ble Supreme Court, and if the verdict is adverse to those teachers who do not have the TET qualification or have cleared the TET after 31/3/2019, or as the case may be, they would abide by the same without raising any cause of action.

(c) 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.

(d) Considering the above, the proposal of the petitioners would be considered for entering their names in the 'Shalarth ID' on their own merits, save and except, the reason that they are not TET qualified. Needless to state, the proposals would be decided within 30 days after the submissions of the undertakings.

(e) 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 them since they have worked for those tenures and they have earned their salaries for performing their duties.

(f) In the event, the candidates like the petitioners are protected by the Hon'ble Supreme Court's conclusions and they are held to be qualified to continue in employment, they would be entitled for all service benefits like promotions, increments, etc.

(PRAFULLA S. KHUBALKAR, J.)

(R.G. AVACHAT, J.)

fmp/-