



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO. 23 OF 2025

MANISHA RAOSAHEB BHOSALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

...
Advocate for the Petitioner : Mr. Tukaram Maruti Venjane
AGP for Respondent nos. 1 to 4: Mr. R.K. Ingole
Advocate for Respondent nos. 5 & 6 : Mr. Vikrant S. Valse

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

DATE : 07.01.2025

PER COURT :

The petitioner is challenging the order of the respondent no. 4- Education Officer (Secondary) whereby he has refused to accord approval to her appointment in respondent no. 6-school as a 'Shikshan Sevak'.

2. We have heard both the sides.

3. The impugned order has been passed on two grounds; first non submission of several documents and, secondly, the petitioner having passed the TET belatedly, further soliciting an explanation as to the submission of the proposal for grant of approval belatedly.

4. The learned advocate for respondent nos. 5 and 6 submits that in fact all the documents mentioned in the impugned order were forwarded along with the proposal and still these respondents would again forward the documents.

5. Once having noticed that the petitioner had acquired the TET

qualification, independently of the fact that the order of the Division Bench of this Court in the matter of **Sagar Gopichand Bahire Vs. State of Maharashtra and others in Writ Petition No. 4904/2020 decided on 07.09.2023**, *inter alia* observing that the TET is mandatory, is under challenge before the Supreme Court which has granted status quo, once the petitioner has cleared the TET, that could not have been the ground for refusing to accord approval only on the ground that the proposal was forwarded belatedly and the TET was acquired subsequently.

6. Be that as it may, subject to the decision of the Supreme Court, there shall not be any impediment for the Education Officer to reconsider the proposal on its own merits.

7. The writ petition is allowed partly.

8. The impugned order is quashed and set aside. Respondents no. 5 and 6 are directed to forward a fresh proposal together with all the documents mentioned in the order, as expeditiously as possible, and in any case within three weeks. Respondent no. 4-Education Officer shall thereafter pass a fresh order on the proposal to be received, on its own merits, but he shall not reject it on the ground of TET qualification having been acquired belatedly. Any order passed by the Education Officer shall be subject to the final outcome of the matter before the Supreme Court.

(PRAFULLA S. KHUBALKAR J.)

(MANGESH S. PATIL, J.)

mkd/-