

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13521 OF 2022

Irshad Gani Mulani

.. Petitioner

Versus

The State Of Maharashtra
Through The Principal Secretary,
Department Of School Education And
Ors.

.. Respondents

...

Mr. Ashish Pawar, for the Petitioner.

Mr. V. G. Badgujar, A.G.P. for the Respondent/State.

Mr. Mandar Baykar, for the Respondent Nos.4 and 5.

...

**CORAM : BHARATI DANGRE &
ASHWIN D. BHOBE, JJ.**

DATED : 7th JANUARY, 2025

P.C:-

1. The Petition raise a challenge to the order dated 22.06.2020 passed by the Education Officer (Secondary Zilla Parishad) and though the Petitioner claim that approval has been refused to his appointment as 'Shikshan Sevak' (Assistant Teacher) in the Respondent No.5-School, perusal of the order would reflect that while the Education Officer took up consideration of three proposals, as far as the proposal of the Petitioner Shri. Mulani Irshad Gani and Shri. Mohan

Shivanand Sanadi are concerned, the Education Officer recorded that the appointment was effected without they have been acquired the TET qualification, but since they have appeared for the TET examination, the decision on their proposal would be taken after its result is declared.

2. The counsel for the Petitioner make a categorical statement that the Petitioner appeared for the TET examination in the year 2021, but on account of the TET scam the result was not declared. Thereafter he attempted the examination once again in the year 2024 and the result of which is awaited.

Though the learned counsel would place reliance upon the directions issued by this Court in a group of Writ petitions where the Petitioners who had not acquired the TET qualification, and since the issue as to whether the date for acquiring the TET qualification could be extended was pending before the Hon'ble Apex Court, subject to an undertaking being taken from the candidate that they would be bound by the decision of the Hon'ble Apex Court and if the verdict is adverse to those teachers who had not acquired the TET qualification or had cleared the TET examination after 31.03.2019, they would abide by the same

3. On due consideration of the said decision and the facts of the case, we are of the clear opinion that the same is not applicable for the Petitioner since his proposal is never rejected by the Education Officer. As soon as he get the result of the TET examination which he had attempted in the year

2024, he shall once again intimate the management alongwith the result and thereupon the management shall forward the proposal to the Education Officer and the Education Officer shall take up his proposal for consideration.

4. Needless to state, that at the relevant time, the Education Officer is bound by the decision of the Hon'ble Apex Court if delivered by that time or else he would be bound by the directions issued by this Court in various Writ Petitions permitting an undertaking to be taken by the candidate till the decision of the Hon'ble Apex Court is delivered.

With this direction Petition is disposed off.

(ASHWIN D. BHOBE, J.)

(BHARATI DANGRE, J.)