

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3588 OF 2025

Premkumari Laldhari Pal and Anr.Petitioners

Versus

The State of Maharashtra and Ors.Respondents

Mr. Narendra V. Bandiwadekar Senior Advocate a/w Mr. Aniket S. Phapale a/w Vinayak R. Kumbhar a/w Rajendra B. Khaire i/b Ashwini N. Bandiwadekar for the Petitioner.

Mr. A. K. Naik, AGP for the State.

CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.

DATE : 13th MARCH, 2025

P.C. :-

1. We have considered the submissions of the learned Senior Advocate and the learned AGP appearing for the respective sides.

2. The submissions of the parties are based on the orders passed by this Court on 7th September, 2023 in Writ Petition No.11121 of 2023 (*Dattatry Devidas Sonwale And Another v/s. The State of Maharashtra Through Its Principal Secretary And Others*),

at the Aurangabad Bench. The order dated 10th August, 2023, passed in Writ Petition No.9944 of 2023, by the Coordinate Bench at Aurangabad, has been referred to. We have recently passed an order dated 12th November, 2024 in Writ Petition No.16423 of 2023 and other connected matters (*Stephie Sushant Ransing Alias Stephie Sebastian John v/s. The State of Maharashtra and Ors.*).

3. In Writ Petition No.7398 of 2024 and group of cases (*Utkarsh Devidas Bachhav & Ors. v/s. The State of Maharashtra & Ors.*), we had recorded in paragraph no.3 of our order dated 25th November, 2024, as under :

“(A) Candidates who have passed the Teacher Eligibility Test (TET)/Central Teacher Eligibility Test (CTET) after the cut-off date 31st March, 2019.

(B) Candidates falling in the Category ‘A’, who have been granted approval, but are yet to receive allocation of Shalarth-ID.

(C) Candidates who have not cleared the TET/CTET, were appointed by a Management in an Institution which had no salary grants and such candidates were granted approval to their appointments on no grant basis by the Education Officers.

(D) Candidates who do not have TET/CTET and whose appointments are on no grant basis establishments and who have not been granted approvals by the Education Officers or the Competent Authority.

4. The Petitioner has acquired the CTET qualification after 31st March, 2019, on 31st July 2024. She would fall in category 'A' reproduced above.

5. Hence, the impugned order which is passed only because the Petitioner does not have the CTET qualification, stands set aside and the **Writ Petition stands partly allowed**. She would be granted conditional Approval and the Shalarth ID as she is in employment since 2014 and has passed the CTET now.

6. Needless to state, the conditional approval and the Shalarth I. D. would be subject to the conditions imposed in *Dattatry Devidas Sonwale (supra)*, *Stephie Sushant Ransing Alias Stephie Sebastian John (supra)* and *Utkarsh Devidas Bachhav (Supra)*.

7. The statement of the learned Advocate General as was recorded in paragraph 7 in the order passed in ***Utkarsh Devidas Bachhav*** (Supra), would be equally applicable to this case in the light of our observations set out therein. For brevity, we are reproducing paragraph 7 hereunder :

7. While disposing off these Petitions, we are recording the statement of the learned Advocate General that, it is one thing to say that the salaries paid from the salary grants extended by the Government to the Employees falling in Categories 'A', 'B' and 'C', should not be recovered because they have worked. However, since the Employers have appointed candidates without acquisition of the TET certificate and have received approvals when the candidates were appointed on no grant basis, if such candidates are being paid the salaries to the extent of the proportion of the grants extended by the State Government, the right to recover such amounts from the Management, be left open. We are, therefore, leaving this issue open to be considered in an appropriate case.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)