

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4993 OF 2025

Shweta Nikhant Deore
@ Shweta Harshal Sonawane & Ors. ...Petitioners
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Laxman S. Deshmukh, Advocate for the Petitioners.

Ms. Priyanak Chavan, AGP for Respondent Nos.1 & 2/State.

Mr. Pankaj Deokar, Advocate for Respondent No.3.

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

DATE : 16th APRIL, 2025

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P.C. :-

1. Petitioner No.1 has passed the Teachers Eligibility Test (TET) on 24th August, 2020, after the cut-off date 31st March, 2019.

We have considered the submissions of the learned Advocates 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 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 view of the above, we find that in such cases before us, the following categories emerge from the record:-

(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. To avoid repetition, we have considered the orders passed in *Dattatry Devidas Sonwale And Another* (Supra) and *Stephie Sushant Ransing* (Supra). The said orders are explicit insofar as imposition of conditions on candidates falling in Categories 'A', 'B' and 'C' as above. All such candidates have been granted conditional Shalarth-ID for the reasons recorded in the said two orders. We have also recorded that the salaries, to the extent of the percentage of salary grants to be paid by the Government, would not be recovered from such candidates since they have earned their salaries by working. It goes without saying that the Managements who have appointed the teachers without the TET/CTET qualifications, would be liable to pay the remainder portion of the salary as per the approved scales, over and above the percentage of salary grants extended by the State Government.

5. There have been various orders passed by this Court at the Principal Seat, the Nagpur Bench and the Aurangabad Bench, whereby directions have been issued to consider the proposals for approvals by ignoring the lack of TET/CTET qualifications. One such order is passed by the Coordinate Bench at Aurangabad, dated 10th August, 2023 in Writ Petition No.9944 of 2023. This Court had observed in Paragraph No.3 in the Order dated 7th September, 2023, passed in *Dattatry Devidas Sonwale And Another* (Supra), that the Judgment of this Court dated 11th June, 2021, delivered in Writ Petition No.4904 of 2020 (*Sagar Gopichand Bahire V/s. State of Maharashtra and Others*), was not cited before the Coordinate Bench which passed the order dated 10th August, 2023.

6. In view of the above, since Petitioner No.1 falls in category 'A' set out below Paragraph No.3 herein above, this **Writ Petition is partly allowed**. The impugned communication dated 20th February, 2025, is quashed and set aside. Since first Petitioner's approval is intact, the proposal forwarded by the Management seeking allotment of Shalarth-ID to Petitioner No.1, should be scrutinised by the Education Officer within a period of three weeks from today and shall forward it to the Deputy Director of Education

who shall ensure that the Shalarth-ID is allotted, so as to commence the payment of salary through the said portal. All monetary benefits as may be available to Petitioner No.1, shall be made payable, within a period of 60 days from today.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)