

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

**REVIEW PETITION NO. 39 OF 2025
IN
WRIT PETITION NO. 1603 OF 2024**

Mohini Kishor Dhongde
(Mohini Mahavir Sontakke)

.. Petitioner

Versus

The State of Maharashtra,
Through The Secretary,
Department of School Education and Sports
and Ors.

.. Respondents

Mr. Saurabh Pakale a/w Mr. Nilesh Desai i/b Ms. Padmaja
Malgaonkar for the Petitioner.

Mr. Omkar Chandurkar, Addl.G.P. a/w Mrs. P. J. Gavhane, AGP for
Respondent Nos. 1 to 9.

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

DATE : 4th AUGUST 2025

PC. :

1. By this Petition, the Review Petitioner, who was the original

Gitalaxmi

Petitioner before us in the Writ Petition, seeks review of paragraph no. 6 of the order dated 5th December 2024. Contention is that the Petitioner was selected and appointed on 2nd March 2020. At the time of her appointment, any candidate possessing the Teacher's Eligibility Test (TET) or Central Teacher's Eligibility Test (CTET) qualification, was eligible to be appointed as a primary teacher. This Court has ruled that there were 3 eligibility criteria i.e. TET/CTET/Graduation with B.Ed.

2. The Petitioner was appointed on the basis of her qualification of CTET. On the date of her appointment, it was relevant as to whether she had the pre-requisite qualification for issuing the appointment order dated 2nd March 2020.

3. In view of the above fact, the learned Advocate for the Petitioner submits that the Petitioner would be eligible for her arrears of salary from the date of her appointment, since she was having the educational qualification at the time of her appointment itself.

4. The learned AGP submits that the Petition was filed in 2024. The Petitioner is facing the proceedings in the 2019 TET Exam Results Scam. Her name appears in the list of 7500 plus candidates. If she is convicted, all her benefits would be taken away.

5. The learned AGP is right in her submissions. However, the fact remains that the Petitioner was selected and appointed on the basis

of her CTET qualification and not the TET qualification. Approval to her appointment is intact.

6. We find that when we delivered the order in the Writ Petition, the Petitioner did not bring to our notice that her appointment was based on her CTET Certificate and the same was unconnected with her, now cancelled, TET Certificate. As such, paragraph no. 4 would not be applicable to the present case.

7. In view of the above, this Review Petition is allowed in the following terms :-

(A) Paragraph no. 4 of the order of the Writ Court dated 5th December, 2024 would read as under :-

“4. Even if the TET Certificate of the Petitioner has been declared invalid and cancelled, the Petitioner has been selected and appointed on 2nd March 2020 on the basis of her CTET qualification. This was a fresh appointment and had nothing to do with the earlier controversy pertaining to the candidates, who were liable to have the TET/CTET qualification, acquired prior to the cut-off date i.e. 30th March 2019.”

(B) Paragraph no. 6 of the order dated 5th December, 2024 would stand replaced as under :-

“6. The payment of the regular monthly salary of the Petitioner shall be commenced forthwith. Arrears of the salary

(unpaid salary) w.e.f. September 2022, shall be calculated and shall be released by the appropriate authorities, to be paid to the Petitioner within 90 days from the date of this order.”

[ASHWIN D. BHOBE, J.]

[RAVINDRA V. GHUGE, J.]

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
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