



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

CIVIL APPLICATION (CAW) NO. 393 OF 2025

IN

WRIT PETITION NO. 2506 OF 2024

(Rafi Ahemad Quidwai M. Shikshan Sanstha, Chandrapur and others ..vs.. The State of Maharashtra,
through its Secretary, Mumbai and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.D. Karode, Counsel for the petitioners,
Ms. T.H. Khan, A.G.P. for the respondents/State.

CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.

DATE : 17-02-2025

It is contended that the petitioner No.3 before her appointment on 02-8-2021 has cleared the CTET examination on 27-12-2019 and, therefore, there was no requirement in that regard, as the Government Resolution dated 13-2-2013 vide Clause No.1.2 B recognizes the clearance of Teachers Eligibility Test conducted by the Central Government or the State.

2. The learned Assistant Government Pleader does not dispute what has been indicated in the Government Resolution dated 13-2-2013, in view of which since the appointment of the petitioner is dated 02-8-2021 prior to which the necessary qualifications have been acquired, the refusal to grant approval by the respondent No.3 for inclusion of the name of the petitioner No.3 in the Shalarth Pranali for the purpose of granting Shalarth ID, cannot be justified. The

petition is therefore, allowed by directing the respondent No.3 to include the name of the petitioner No.3 from the date of her appointment.

3. Civil application is disposed of accordingly.

Writ Petition No.2505/2024

Writ Petition No.2505/2024 questions the action of respondent No.2, in refusing to grant approval to include the name of the petitioner No.3 in the Shalarth Pranali for the purpose of granting Shalarth ID, on the ground that there was a ban for recruitment during the Covid time and the petitioner No.3 has not cleared TET before the cut-off date of 30-9-2019.

2. It is the contention of Mr. Karode, learned Counsel for the petitioners, that in place of the TET the petitioner No.3 has cleared CTET on 03-3-2023 and, therefore, the requirement has been satisfied. The question whether CTET / TET is mandatory, for teachers working with minority institutions is before the Hon'ble Apex Court, however, during the pendency of the same, a learned Division Bench of this Court in *Pratibha Ashok Bansode Vs. State of Maharashtra and Others* in *Writ Petition No. 1844/2024* decided on *15-2-2024*, has permitted the inclusion of the names of similarly situated petitioners, in the Shalarth ID subject to conditions, which are as under:

“2. In several matters, this Court has directed such petitioners to tender their affidavit undertaking setting

forth the following statements :

(a) The Petitioners would tender individual affidavits undertaking that, they would abide by the conclusions that would be drawn by the Hon'ble Supreme Court, and if the verdict is adverse to those teachers who do not have the TET qualification or have cleared the TET after 31-3-2019, or as the case may be, they would abide by the same without raising any cause of action.

(b) Let such affidavits undertakings be filed in this Court within 15 days from today and a copy be tendered to the concerned Education Officer within the same timeline.

(c)

(d)

(e)”

3. The inclusion of the name of petitioner No.3 in the Shalarth ID upon an undertaking in similar terms being submitted by the petitioner No.3, therefore, would be permissible.

4. In so far the ban is concerned, the learned Assistant Government Pleader does not dispute that since the petitioner No.1 is a minority institution, it would be free to recruit the employees and the ban would not be attracted.

5. In view of what has been stated above, we dispose of the petition by directing that in case an undertaking in terms of what has been stated above, (Page No. 2(a) to (e) in WP No. 1844/2024) is submitted by the petitioner No.3, her name be included in the Shalarth Pranali for the purpose of granting Shalarth ID, subject to the undertaking.

6. The petition is accordingly disposed of in the above terms.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

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