



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

WRIT PETITION NO.2815 OF 2019

Ku. Neeta Amrutlal Shahu, Katol Road, Nagpur

-VS-

State of Maharashtra, Thr. Secretary, Dept. of School Education, Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri B. G. Kulkarni, Advocate for petitioner.
Shri H. D. Marathe, Assistant Government Pleader for respondent No.1.
Shri Gopal G. Mishra, Advocate for respondent No.2.
Shri Vaibhav N. Patre, Advocate for respondent Nos.3 and 4.

CORAM : NITIN W. SAMBRE AND MRS VRUSHALI V. JOSHI, JJ.

DATE : January 10, 2025

P. C.

1. In Writ Petition No.4672/2024, this Court vide order dated 4th March, 2015 in paragraphs 7 and 8 issued following directions :

“ 7. In the peculiar facts and circumstances of the case, we direct the respondents No.3 and 4 to appoint the petitioner on the vacancy which would occur on the retirement of Smt. Vasant Sippi. The petitioner shall be appointed with effect from 1.6.2016 or in the event Smt. Vasanti Sippi opts for voluntary retirement on earlier date, from the date on which she ceases to be in service.

8. Needless to state that the respondent no.2-Education Officer, Zilla Parishad shall grant approval to the appointment of the petitioner either with effect from 1.6.2016 or in the event she is appointed earlier, from the said date. ”

2. In this background, the issue as regards mandating the petitioner to clear Teachers Eligibility Test (TET) is sought to be agitated by the respondents before this Court as the approval was subject to clearance

of TET.

3. Our attention is invited by Shri B. G. Kulkarni, learned counsel for the petitioner to the Government Resolution dated 13th February, 2013 which was subsequently modified vide Corrigendum dated 6th March 2013 and 20th August 2013 thereby stating that it is not mandatory to clear TET for the candidates like the petitioner.

4. The aforesaid submissions are not contested by the counsel appearing for the respondents.

5. In this backdrop and having regard to above referred Government Resolutions in the form of corrigendum to Government Resolution dated 13th February 2013 which are produced on record by the petitioner through additional affidavit dated 9th January 2025 wherein it is brought to our notice that clearance of TET is not necessary for the candidates like the petitioner as reflected in corrigendum dated 6th March, 2013, we deem it appropriate to allow the petition thereby declaring that it is not mandatory for the petitioner to clear TET having regard to the aforesaid clarification by the State Government.

6. The writ petition accordingly stands disposed of. No order as to costs.

(Mrs Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)