



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

WRIT PETITION NO. 4979 OF 2024

Trupti w/o Prabhakar Kawale,
Aged 33 yrs, Occ. Service,
r/o Om Shanti Nagar, Bramhapuri,
Maharashtra 441 206

.....**PETITIONER**

...V E R S U S...

1. State of Maharashtra,
through its secretary,
School Education and Sports
Department, Mantralaya,
Mumbai

2. Zilla Parishad, Gadchiroli
through its Education Officer
(Secondary)

3. Gramin Vikas Shikshan Sanstha,
through its Secretary, Churmura,
Armori, Gadchiroli

.....**RESPONDENTS**

Mr. S.P. Bodalkar, Advocate for the petitioner,
Ms. T.H. Khan, AGP for respondent Nos. 1 and 2/State.

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

CLOSED FOR JUDGMENT ON : 03.02.2025
JUDGMENT PRONOUNCED ON : 06.03.2025

JUDGMENT (Per: Abhay J. Mantri, J.)

Heard finally with consent of learned counsel for the
parties.

2. The challenge is the precondition of the Teaching Eligibility Test (for short- '*TET*') imposed vide order dated 07.03.2024 by respondent No. 2 for granting approval to the petitioner as Shikshan Sevak. By way of amendment, she seeks permission to file the affidavit/undertaking for a grant of approval to her appointment subject to the outcome of the decision in SLP (Civil) Diary No.17702 of 2021.

3. Petitioner contended that respondent No.3, a Minority Educational Institution, published an advertisement for recruiting Shikshan Sevak. The petitioner applied and was selected for the said post by following the due procedure. Passing the **Teacher's Eligibility Test** (TET) was one of the preconditions at the time of selection. The approval was forwarded to respondent No.2, the Education Officer, for grant of approval to the appointment of the petitioner.

4. Respondent No.2 rejected the proposal on the ground that the petitioner has not passed the T.E.T. Examination, and the State Government imposed a ban vide Government Resolution dated 04/05/2020. Respondent No.4- Directorate of Education has issued a communication to all the education Officers stating therein that in

view of the pendency of SLP, the teachers appointed in minority education institutions shall be exempted from passing the T.E.T. examination. The State Government has lifted the ban imposed on recruitment on account of the COVID-19 pandemic.

5. This Court, in Writ Petition No.12258/2023 (Aurangabad Bench), directed the petitioner therein to tender an affidavit /undertaking in the Court as well as copies to the Education Officer and Management, stating therein that if the Hon'ble Supreme Court concludes that, "*the T.E.T. qualification is mandatory even to minority institution and the petitioner's appointment would be deemed to be illegal, they are willing to face the consequences.*" Accordingly, the affidavit filed by the petitioner across the bar is taken on record and marked as annexure "F" for identification.

6. As a result, the petitioner be granted approval for his appointment subject to the decision in the matter pending before the Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No.17702/2021. The writ petition stands disposed of accordingly.

7. Rule is made absolute in the above terms. No order as to costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

R. Belkhede,
Personal Assistant