

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10334 OF 2025

Tanishka Tejas Lokare

...Petitioners

And Ors

Versus

The State Of Maharashtra Through

The Secretary And Ors

...Respondents

Mr. Prashant Bhavake, Advocate for petitioners.

Ms. Tejas J. Kapre, AGP for respondent nos. 1 & 2.

Mr. Shridhar Patil, Advocate for respondent no.5.

Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.

Date : April 21, 2026.

JUDGMENT (PER PRAVIN S. PATIL, J.) :

- 1.** RULE. Rule made returnable forthwith and heard by consent of learned counsel for the parties.
- 2.** The petitioners have approached before this Court challenging the order dated 24th March 2023 passed by the Education Officer (Primary), Zilla Parishad, Sindhudurg, whereby the proposal for inclusion of the name of petitioner No. 1 in the Shalarth Pranali and then to generate Shalarth ID for online payment of salary, has been rejected.
- 3.** The petitioners have stated that petitioner No. 1 is possessing the qualifications of B.A., D.Ed., and B.Ed. He has passed the Maharashtra

Teachers Eligibility Test (MAHATET) in the year 2021. He has specifically stated that Paper No. 1 of MAHATET was passed by him in the year 2018 and Paper No. 2 was passed by him in the year 2021. The petitioner No. 1 has further stated that, in addition to the Maharashtra Teachers Eligibility Test, he has also passed the Central Teachers Eligibility Test (C-TET) in the year 2022.

4. The petitioners have stated that petitioner No. 2 runs petitioner No. 3 school. In the year 2015, the management issued an advertisement on 20th June 2015 for the appointment of teachers in the non-granting aid class. In pursuance of the said advertisement, petitioner No. 1 applied for the post. Accordingly, following due procedure of law, he came to be appointed by the management vide appointment order dated 1st July 2015.

5. It is stated that after appointment of the petitioner No. 1 in the petitioner No. 3 school, his proposal for approval was forwarded to the respondent No. 5 – Education Officer for grant of approval. The Education Officer, after verifying his qualifications and availability of the post, has granted approval by his order dated 29th June 2021.

6. The petitioner has further pointed out that the non-grant aid class started receiving grant from the State Government from the academic session 2022–2023. Initially, the classes received 20% grant as

per the policy of the Government.

7. It is not in dispute that after receipt of the 20% grant from the State of Maharashtra, the employees who are working on such classes are entitled to 20% salary from the State Government. As a result, the petitioner No. 3 forwarded the proposal of the petitioner for inclusion of his name in the Shalarth Pranali by allotting a Shalarth ID for online payment of salary.

8. The Education Officer (Primary), Zilla Parishad, Sindhudurg, by the impugned order dated 24th March 2023, rejected the proposal mainly on the ground that, as the petitioner did not obtain the qualification of Teachers Eligibility Test before the cut-off date, i.e., 30th March 2019, his name cannot be included in the Shalarth Pranali. Hence, the petitioners are constrained to approach this Court by way of the present petition.

9. The learned AGP has strongly opposed the present petition. According to the learned AGP, if a cut-off date is prescribed by the State Government, the Education Officer is not empowered to consider the proposal forwarded by petitioner No. 3. Hence, he has rightly rejected the proposal. Accordingly, the learned AGP seeks dismissal of the petition.

10. It would be relevant to mention that the Division Bench of the Coordinate Bench of this Court in Writ Petition No. 4904 of 2020 (*Sagar Gopichand Bahire vs. State of Maharashtra & Ors.*), decided the identical

issue vide its judgment dated 11th June 2021 and concluded that if a candidate could not obtain the TET qualification prior to 31st March 2019, such candidate cannot be retained in service and the Government will not be liable to pay salary. However, the said decision was challenged before the Hon'ble Supreme Court of India in Special Leave to Appeal (C) No. 8300 of 2021. In the said appeal, the Hon'ble Supreme Court has granted status quo and the same is continued till today.

11. In the light of this factual and legal position, the learned counsel for the petitioner has relied upon the judgment delivered by the Coordinate Bench in Writ Petition No. 11121 of 2023 (*Dattatry Devidas Sonwale & Anr. vs. State of Maharashtra & Ors.*), decided on 7th September 2023, wherein the Coordinate Bench, by considering the interest of the teachers and the consequences likely to follow due to denial of approval on the ground that they are not possessing TET qualification on or before the cut-off date, has observed in paragraph Nos. 8 and 9, which read thus:

“8. This is a Court of equity and while passing orders, this Court has to balance the equities. If the interest of the teachers are to be protected by passing a conditional or a qualified order, the interest of the State Government, which extends the salary grants also has to take into account, as the State Government insists that their salary grants should not be utilized for payment of salaries to those teachers, who do not have requisite qualification.

9. In the light of the peculiar circumstances as noted above, we find that, it would be appropriate to bind the Petitioners with an undertaking that, they would abide by the decision of the Hon'ble Supreme Court, and if it is concluded by the Hon'ble Supreme Court that, they cannot be continued in employment, they would suffer the consequences. By filing

such undertaking the equities would be balanced while passing an order granting them the salaries by allotment of 'Shalarth-ID'. Needless to state that, if the Hon'ble Supreme Court concludes that the TET is mandatory, such teachers will then have to be removed from employment."

12. In the light of the view taken by the Coordinate Bench, we have put up specific query to the petitioner whether he is ready to submit an undertaking to this Court to the effect that if the judgment of Hon'ble Supreme Court concluded that the Teachers would not be entitled to include their names in Shalarth Pranali, if they did not obtain the Teachers Eligibility Test before the cut off date. The petitioners categorically stated that he is ready to submit such undertaking before Education Officer to that effect.

13. In view of the above, we pass the following order :

i) The writ petition is partly allowed:

(ii) The impugned order dated 24th March 2023 passed by Education Officer (Primary) Zilla Parishad Sindhudurg is quashed and set aside to the extent of petitioner No. 1 only.

(iii) It is hereby directed to the petitioner to tender an undertaking to the effect that he will abide by the conclusions that would be drawn by the Hon'ble Supreme Court in SLP (C) No.8300 of 2021, and if the verdict is adverse to those teachers who have not obtained the TET qualification on or before 31st March 2019, or as the case may be, without raising any cause of action. Such undertaking shall be filed within a period of 15

days from today before the Education Officer as well as before this Court in the present petition.

(v) After tendering such affidavit/undertaking by the petitioner, respondent – Education Officer (Primary) is directed to forward the proposal of the petitioner to the concerned authorities for inclusion of the name of the petitioner in the Shalarth Pranali and generate his Shalarth ID by considering the same on its own merits. After the inclusion of the name of the petitioner in the Shalarth ID, petitioner No. 1 would be entitled to all consequential benefits arising therefrom.

(vii) It is further clarified that, as the petitioner has stated that he is ready to work by tendering an undertaking if an adverse order is passed by the Hon'ble Supreme Court, the respondent shall not recover the salary paid to him, since he has undertaken to work by performing the duties.

(viii) In the event the petitioner is protected by the Hon'ble Supreme Court of India, he would be entitled to continue in employment with consequential benefits of service, promotion, and increments, etc.

14. In terms of above, rule is made absolute. No order as to costs.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]