



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4708 OF 2026

Sayed Abu Zaid Sayed Rafique
& another .. Petitioners

versus

State of Maharashtra & others .. Respondents

Mr. Sayyed Tauseef Yaseen, Advocate for the Petitioners.
Mr. S. B. Narwade, AGP for the Respondent/State.

AND

WRIT PETITION NO. 4701 OF 2026

Gaikwad Sayali Vyankatesh .. Petitioner

versus

The State of Maharashtra & others .. Respondents

Mr. Shaikh Tarek Mobin. H., Advocate for the Petitioner.
Mr. N. B. Narwade, AGP for the Respondent/ State.

AND

WRIT PETITION NO. 4632 OF 2026

Sainath Ganpat Bansode .. Petitioner

versus

The State of Maharashtra & others .. Respondents

Mr. K. P. Rodge, Advocate for the Petitioner.
Mr. N. B. Narawade, AGP for the Respondent/State.

**CORAM : SMT VIBHA KANKANWADI
& AJIT B. KADETHANKAR, JJ.**
DATE : 29th APRIL, 2025.

PER COURT :

1. In all the three petitions, the order under challenge is issued by the Education Officer rejecting the approval of the Petitioners to the post of Shikshan Sewak on the ground that the Petitioners have not completed the TET qualification.

2. The learned Advocates for the Petitioners are submitting that the institutions which run the school in which the Petitioners are serving are minority institutions and in respect of the point of TET qualification being compulsory to the schools governed by the minority institutions; the Hon'ble Supreme Court in Anjuman Ishaat-E-Taleem Trust vs. The State of Maharashtra and Others, 2025 LiveLaw (SC) 861, has referred the said point to the Larger Bench and therefore, it is not yet conclusively held by the Hon'ble Supreme Court that it is mandatory to have TET qualification for the teachers from the minority schools. The learned Advocates for the Petitioners are relying on the decision of this Court in case of Sarika Madhavrao Shinde vs. The State of Maharashtra & others in Writ Petition No. 13582/2025 decided on 14.11.2025 to which, one of us (Smt. Vibha

Kankanwadi, J.) was party. In the said decision, taking note of the decision in Anjuman (supra) this Court partly allowed the petition by quashing the impugned order and directing the Education Officer to consider the proposal forwarded by the school without insisting for TET qualification.

3. After the impugned notices were issued, we had directed the learned AGP to call the Respondent/Education Officers. Thereupon, affidavits have been filed by the concerned Education Officers by tendering unconditional apology that they have not considered the order passed by this Court as well as the decision by the Hon'ble Supreme Court in case of Anjuman (supra).

4. Here the fact that is required to be noted is that time and again this Court is required to consider similar matters when similar mistakes or wrong orders are passed by the Education Officer without taking note of the various decisions of this Court as well as the Hon'ble Supreme Court. Therefore, we had called the Respondent/Education Officer. In one of the matters we had even directed the Education Department to issue a circular after taking note of our decisions. Whenever we call upon the Education Officers

they would appear and tender apology. We are generously pardoning them but they are not obeying the orders passed by this Court even after tendering such apologies. Infact, it is a high time that whenever such orders are seen, action requires to be taken against the Education Officer. However, this time we are refraining ourselves. When repeated mistakes are being made, we would have definitely imposed cost also on the Education Officers, however, we are giving a caution to them by way of this judgment that if any such mistake is done by them once again, then certainly they are liable for the action that would be taken against them.

5. Now, coming back to the facts of the case which are not in dispute, that in Writ Petition No. 4701/2026 a minority certificate has been issued to the society by the State Government on 11.01.2026, in Writ Petition No. 4708/2026, Anjuman Ishat-E-Talim itself is once again Petitioner i.e. the same institution which was before the Hon'ble Supreme Court and in Writ Petition No. 4632/2026, the minority status was conferred on Ramabai Ambedkar Vidyalaya, Nagapur on 13.04.2023 by the State Government. Infact, it appears that on 17.10.2025, a circular or communication was issued by the Desk Officer, Other Backward

Class Welfare Division, whereby it was specifically stated that since the Right to Education Act is not applicable to the minority institution, the mandatory qualification of TET pass is not applicable to the teachers from such schools. In spite of such circular/communication, it appears that the Respondent/Education Officer has rejected the proposals.

6. This Court had already given detailed reasons in Sarika Shinde (supra) and therefore, we do not want to repeat the same. The position of law is clear from Anjuman (supra). When the point as to whether the mandatory qualification of TET is applicable to the teachers serving in the minority institution has been referred to the Larger Bench, then till such decision is given by the Hon'ble Supreme Court, the Education Officer has no right to reject the proposal. We are, therefore, setting aside those orders and relegating the matter again to the Education Officer. The Education Officer should call upon the institutions to submit the said proposal once again and then, without insisting on the TET qualification, the Education Officer should take decision on the same. Hence the following order :-

ORDER

- (I) All the petitions are partly allowed.
- (ii) Impugned communication/orders dated 16.04.2026, 07.04.2026 and 25.03.2025 are set aside.
- (iii) The institutions should submit the proposal within a period of 15 days from today to the Education Officer and the Education Officer to decide the same within a period of one month thereafter, without insisting on TET qualification.

(AJIT B. KADETHANKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

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