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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7567 OF 2017

WITH

INTERIM APPLICATION NO.3800 OF 2021

Shaila Sharad Bhoir

.. Petitioner

vs.

Dativate Shikshan Sanstha through its
Chairman/Secretary and ors.

.. Respondents

Ms. Anupama B. Shah for petitioner/applicant.

Mr. N. C. Walimbe, AGP for respondent nos. 3 & 4 – State.

**CORAM : S. V. GANGAPURWALA &
M. S. KARNIK, JJ.**

DATE : AUGUST 4, 2022

P.C. :

1. The proposal seeking approval to the appointment of the petitioner as permanent Head Mistress is rejected basically on the ground that the petitioner possessed B.Ed. Degree from a University outside the State of Maharashtra.
2. We have heard learned counsel for the petitioner and learned AGP.
3. The reliance is place by learned AGP upon the circulars dated 9/6/2005 and 21/12/2011. The said Circulars would not come in the way of the petitioner as the petitioner claims to have obtained B.Ed degree through postal mode way back in the year 1989. The Circular dated 21/12/2011 is applied if the teachers have completed B.Ed. Degree from postal mode from a University outside the State after

10/10/2002.

4. Moreover, the said aspect has also been considered by the learned Single Judge of this Court in the case of **Anjuman Khairul Islam & others vs. Mrs. Zulekha Mazhar Hussain and others**¹. It has been held that Annamalai University has been considered and regarded as one of the statutory Universities by the State Government. Once that is an accepted position, then the necessary consequences under the Rules which have been framed under the M.E.P.S. Act, 1977 is that a bachelors degree in Teaching or Education granted by Annamalai University would be regarded as a valid qualification for appointment.

5. In the light of the above, the impugned order is quashed and set aside.

6. The Education Officer shall consider the degree of the petitioner as B.Ed obtained from Annamalai University to be a valid degree and shall take decision with regard to the approval of the appointment of the petitioner as Headmistress within three (3) months.

7. The writ petition is disposed of. No costs.

8. In view of the disposal of the writ petition, nothing survives for consideration in the interim application. The same is disposed of.

(M. S. KARNIK, J.)

(S. V. GANGAPURWALA, J.)

¹ 2001 (2) Mh.L.J. 245