

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

**WRIT PETITION NO. 11786 OF 2022**

Akhilesh Jagatnarayan Singh ...Petitioner  
Versus  
The State Of Maharashtra and Ors ...Respondents

Mr. N.V. Bandiwadekar i/b Mr. Vinayak Kumbhar for the  
Petitioner  
Mr. V.M. Mali, AGP for the State-Respondent Nos. 1 to 3.

**CORAM : S.V. GANGAPURWALA &**

**R.N. LADDHA, J.J.**

**DATED : 6<sup>th</sup> OCTOBER, 2022**

**P.C. :-**

1. The proposal seeking approval to the appointment of the petitioner is rejected.

2. It is submitted that the petitioner is appointed in minority institution and is appointed to teach 9 and 10 standard. TET is not compulsory for the teachers appointed for 9 and 10 standard. Learned counsel for the petitioner submitted that an application was given by the Management to the Education Officer seeking permission to fill in the post. For 2 months the Education Officer did not reply and thereafter the post was advertised.

3. As far as the number of teaching staff is concerned, the Management would submit the same.

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4. We have heard Mr. Mali, learned AGP, for Respondent Nos. 1 to 3.

5. The TET would not be compulsory for the teacher appointed to the 9 and 10 standard. TET is compulsory only for teachers from 1 to 8 standard i.e. primary and secondary.

6. Learned counsel for the petitioner submits that the Management had submitted an application seeking permission to fill in the post and did wait for 2 months before issuing advertisement. The said shall be considered by the Education Officer. As far as staffing pattern is concerned, the Management may submit it to the Education Officer.

7. In light of above, the impugned order is quashed and set aside. The Education Officer shall reconsider the proposal seeking approval to the appointment of the petitioner and shall not insist for TET qualification, if it has shown that the petitioner is appointed to teach to 9 and 10 standard.

8. In case, it is found that the Management had given an application to the Education Officer seeking permission to fill in the post and for 2 months the Education Officer did not make any communication and thereafter the minority institution had given an advertisement, then proposal of the petitioner shall not be rejected on the ground that permission was not sought.

9. The said proposal shall be decided afresh by the Education Officer preferably within 4 months from today.

10. The Writ Petition is disposed of. No costs.

(R.N.LADDHA, J.)

(S.V. GANGAPURWALA, J.)