

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

WRIT PETITION NO. 4321 OF 2023

Ms. Samina Amin Shaikh ... Petitioner
versus
Anjuman-I, Islam Peermohomed
High School and Others ... Respondents

**WITH
WRIT PETITION NO. 16423 OF 2023**

Stephie Sushant Ransing @
Stephie Sebastian John ... Petitioner
versus
The State of Maharashtra and Others ... Respondents

**WITH
WRIT PETITION NO. 5439 OF 2017**

Priyanka Sureshkumar Rai and Another ... Petitioners
versus
The State of Maharashtra and Others ... Respondents

**WITH
WRIT PETITION NO. 5452 OF 2017**

Mrs. Ankita Pankajkumar Pandey
(Miss Pramila Vikaschandra Mishra) and Another ... Petitioners
versus
The State of Maharashtra and Others ... Respondents

**WITH
WRIT PETITION NO. 1207 OF 2024**

Yateemkhana and Madrassa Anjuman
Khairul Islam and Others ... Petitioners
versus
State of Maharashtra and Others ... Respondents

**WITH
WRIT PETITION NO. 16475 OF 2023**

Nazish Farhana Abdul Rehman Shaikh	...	Petitioner
versus		
The State of Maharashtra and Others	...	Respondents

**WITH
WRIT PETITION NO. 486 OF 2024**

Monali Raviraj Musale	...	Petitioner
versus		
The State of Maharashtra and Others	...	Respondents

**WITH
WRIT PETITION NO. 1556 OF 2024**

Yateemkhana and Madrassa Anjuman-E-Khairul Islam and Others	...	Petitioners
versus		
State of Maharashtra and Others	...	Respondents

**WITH
WRIT PETITION NO. 1566 OF 2024**

Vijayakumari R. Yaram	...	Petitioner
versus		
The President/ Secretary, Subhash Nagar Telugu Shikshan Mandal and Others	...	Respondents

**WITH
WRIT PETITION NO. 5643 OR 2024**

Dilipkumar G. Mishra	...	Petitioner
versus		
The State of Maharashtra and Others	...	Respondents

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Mr. Anwar I. Shaikh for the Petitioner in WP No. 4321 of 2023.

Mr. Arvind Kothari for Respondent Nos. 1 and 2 in WP No. 4321 of 2023.

Mr.S.B.Kalel, AGP for the Respondent -State in WP No. 4321 of 2023.

Mr.Sanjeev B. Deore with Mr.Navin Singh for the Petitioner in WP No. 16423 of 2023.

Mr.Narendra Bandiwadekar, Senior Advocate with Mr.Vinayak Kumbhar, i/b. Mr.Mandar Bagkar for the Petitioners in WP No. 5439 of 2017 and WP No. 5452 of 2017.

Mr.Rahul S. Kadam for the Petitioners in WP No. 1207 of 2024.

Mr.Ishan Paradkar h/f. Ms.Manisha Jagtap for the Respondent – PMC in WP No. 16475 of 2023.

Mr. Suresh M.Kamble for Respondent No.2 in WP Nos. 5452 of 2017 and 5439 of 2017.

Ms.Chaitrali Deshmukh for Respondent Nos. 4 and 5 in WP No. 1556 of 2024.

Ms.Deepali Deherkar for the Petitioner in WP No. 1566 of 2024.

Mr.Ashwin R. Kapadnis for the Petitioner in WP No. 486 of 2024.

Mr.Rahul S. Kadam for the Petitioners in WP No. 1556 of 2024.

Mr.V.M.Mali, AGP for the Respondent -State in WP No. 486 of 2024.

Ms.Nisha Mehra, AGP for the Respondent -State in WP Nos. 1556 and 1566 of 2024.

Mr.Sanjeev B.Deore with Mr.Navin Singh for the Petitioner in WP No. 5643 of 2024.

Ms. R.A.Salunkhe, AGP for the Respondent -State in WP No. 5643 of 2024.

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**CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.**

DATED : 18 JULY 2024

P.C.:

On 18 June 2024, we had passed the detailed order and had noted the arguments of the Petitioners that as per decision of the Division Bench of this Court in the case of *Azad Education Society, Miraj through its President vs. State of Maharashtra and Others*¹, the mandate of passing Teacher Eligibility Test (TET) cannot be applied to the teachers working in minority institutions. Today, the learned AGP places before us the decision of the Division Bench of this Court in the case of *Sindhudurg Zilla Shikshan Sanstha Chalak Mandal, Pandur Versus The Union of India and Others with connected Writ Petitions*² and contends that the issue in respect of applicability of right to education to minority institutions was considered in this decision. The Petitioners have relied upon the decision of this Court, Bench at Aurangabad, in the case of *Saudagar Farheen Alim & Anr. Versus State of Maharashtra & Anr.*³

2. We place our disapproval on record the manner in which the State has contested this litigation. As noted in the earlier order, we were first informed by the learned AGP that the State has challenged the decisions

1 Writ Petition No. 4640 of 2016 dated 12 December 2017

2 2015 SCC OnLine Bom 6772

3 Writ Petition No. 623 of 2024 dated 27 June 2024

taking a view that Teacher Eligibility Test is not applicable to the teachers working in the minority institutions, in the Apex Court. Thereafter, the statement was withdrawn. Today, the decision of the Division Bench of the year 2015 is shown to us. This issue which will affect the large number of the minority institutions cannot be handled by the State in this casual manner. Therefore, the Secretary, School and Education Department, State of Maharashtra after taking the overall review will file an affidavit placing the stand of the State on record. Also the learned Government Pleader or the learned Advocate General should appear in these matters.

3. Stand over to **13 August 2024.**

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)