

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(SR NO.16) 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. 5439 OF 2017**

Priyanka Sureshkumar Rai and Another ... Petitioners
versus
The 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

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

Yateemkhana and Madrassa Anjuman-E-
Khairul Islam and Others ... Petitioners

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versus
State of Maharashtra and Others ... Respondents

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

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

AND
(SR NO.17) WRIT PETITION NO. 340 OF 2022

Sou. Tehmina Kaulaali Kudachikar and Ors. ... Petitioners
 versus
 The State of Maharashtra and Others ... Respondents

WITH
(SR NO.17) WRIT PETITION NO. 1358 OF 2023

Amanulla Rahimatulla Mujawar ... Petitioner
 versus
 The State of Maharashtra and Others ... Respondents

AND
(SR NO.18) WRIT PETITION NO. 872 OF 2024

Yogita Pritam Sejale ... Petitioner
 versus
 The State of Maharashtra and Others ... Respondents

AND
(SR NO.13) WRIT PETITION NO. 3866 OF 2024 (OS)

Dhanashri Suryakant Khamkar ... Petitioner
 versus
 The State of Maharashtra and Others ... Respondents

.....

Sr. No. 16:

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

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

Mr.Sanjeev B. Deore with Suchita Pawar and Jitendra Pagare for the Petitioner in WP Nos. 16423 of 2023 and 5643/2024.

Mr.Rahul S. Kadam for the Petitioners in WP No. 1207 of 2024 and 1556/2024.

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

Mr. Satish Raut for the Petitioner in WP/16475/2023.

Ms.Chaitrali Deshmukh for Respondent Nos. 4 and 5 in WP Nos. 1207 of 2024 and 1556 of 2024.

Ms. Mahalakshmi Dakshinamurthy i/b Mr. Suresh M.Kamble for Respondent No.2 in WP Nos. 5452 of 2017 and 5439 of 2017.

Ms.Manisha Jagtap for the Respondent – PMC in WP No. 16475 of 2023.

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

Mr.V.M.Mali, AGP for the Respondent -State in WP Nos. 5439/2017 and 486 of 2024.

Ms. A.A. Purav, AGP for Respondent/State in WP/1556/2024.

Mr. S.H. Kankal, AGP for the Respondent -State in WP No. 5643 of 2024.

Mr. K.S. Thorat, 'B' Panel counsel for the Respondent -State in WP No. 5643 of 2024.

Ms. P.M. Joshi-Deshpande, AGP for the Respondent -State in WP Nos. 5452 of 2017.

Ms. T.J. Kapre, AGP for the Respondent -State in WP No. 16423 of 2023.

Mr. V.G. Badgujar, AGP for the Respondent -State in WP No. 1207 of 2024.

Sr. No. 13:

Mr. Sanjeevkumar Deore for the Petitioner.

Mr. Vishal Thadani, Addl. G.P. a/w Ms. Nazia Sheikh, AGP for Respondent No.1.

Sr. No. 17:

Mr. Prashant Bhavake a/w Utkarsh Desai for the Petitioner.

Ms. A.A. Puray, AGP for Respondent Nos. 1 to 5 in WP/340/2022.

Ms. Nisha Mehra, AGP for Respondent Nos. 1 to 5 in WP/1358/2023.

Mr. Ratan Adhe i/b Pankaj Deokar for Respondent No.3.

Sr. No. 18:

Mr. Rahul Kadam for the Petitioner.

Mr. Shivprasad Borade for the Respondent/Corporation.

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

DATE : 20 AUGUST 2024

P.C. :

. Heard learned counsel for the parties.

2. In this group of petitions, a common question is raised as to whether the criteria of passing Teacher Eligibility Test ("TET") is applicable to the teachers working in the minority Education Institutions. Various orders have been passed in these petitions

individually or as a group, from time-to-time. However, it is the Registry that has brought to our notice today the order passed by the Full Bench of this Court on 26 August 2022 in Writ Petition No. 13770 of 2018 and other petitions (Aurangabad Bench). The same issue has been referred to the the Full Bench in light of differing judgments of this Court. The Full Bench, by this order, has deferred the hearing in view of the pendency of proceedings before the Hon'ble Supreme Court on the issue framed in Special Leave Petition (Civil) Diary No. 17702/2021 in the case of *the Director of School Education, Chennai and another v/s. B. Annie Pachiarani Bai and another*. Therefore, hearing of these petitions also needs to be deferred.

3. The question will arise as to the interim arrangement, if any in these petitions. This group contains various petitions, though the same legal issue, different set of facts. In some, the approval has been rejected on the ground of not fulfilling criteria of passing TET either not at all or after the cut-off date, or the names of the teachers/petitioners are not included in Shalarth ID for that reason, or that salary is stopped.

4. The learned counsel for the Petitioners points out that as regards the cases where the issue of minority institution is not involved and names of the teachers have not been included in Shalarth ID on the ground not fulfilling criteria of passing TET

even though approval is granted, on an undertaking given, the Court has directed inclusion of name in the Shalarth ID portal. The learned Senior Advocate for the Petitioners in Writ Petition No. 5452 of 2017 states that in one of the petitions filed, which is now pending for consideration of the Full Bench, an interim order is passed on 1 March 2019 which is operating, directing that salary shall not be withheld only on the ground of not possessing TET qualification.

5. Thus, whether the same methodology needs to be adopted or any other interim arrangement has to be arrived at or no interim order, will now have to be considered on case to case basis.

6. List these Petitions on board on **3 September 2024** separately, not as a group.

7. The learned AGP states that instructions will be taken in each of these petitions, by the next date.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)