



(1)

64-WP-3272-25

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

64 WRIT PETITION NO. 3272 OF 2025

AZAM ABDUL SAYYAD AND ANOTHER
VERSUS
STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for the Petitioner : Mr. Sayyed Tauseef Yaseen

AGP for Respondent-State : Mr. M. M. Nerlikar

Advocate for Respondent No.2 : Mr. P. R. Tandale

...

CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.

DATE : 10.03.2025

PER COURT :-

. The petitioner is challenging the order of the respondent-Education Officer (primary), thereby refusing to grant approval to her appointment as an assistant teacher only on the ground that she is not TET qualified as is required by the Government Resolution dated 13.02.2013.

2. A Division Bench of this Court held that the Teacher Eligibility Test (T.E.T.) is an essential qualification for teachers appointed in minority institutions. This decision is currently under challenge before the Supreme

Court. In similar set of circumstances, by directing affidavit on undertaking to be furnished by the petitioners that their rights would be governed by the final outcome of the matter before the Supreme Court, this Court has been directing that the proposals for granting approval to be considered independently on their own merits. We follow the same course.

3. The writ petition is partly allowed. The impugned order is quashed and set aside. The petitioner shall furnish an affidavit on undertaking, to be sworn before the Registrar (Judl.) of this Court, to the effect that she would be bound by the final outcome of the matter before the Supreme Court. The respondent No.2 shall consider the proposal afresh on its own merits but shall not reject it on the ground that the petitioner is not T.E.T qualified. The decision shall be taken as expeditiously as possible, and in any case, within eight (08) weeks.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)