



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 WRIT PETITION NO. 8160 OF 2023

Shaikh Naziya Anjum Shaikh Badroddin

VERSUS

The State Of Maharashtra Through Its Secretary Education And Sports
Department

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Mr. Sapkal Sandip R, Advocate for the Petitioner

Mr. S. P. Sonpawale, AGP for Respondents State

Mr. Amol A. Jagatkar, Advocate for Respondent No.4- Z.P., A'bad

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CORAM : MANISH PITALE &
Y. G. KHOBRAGADE, JJ.

DATE : 16th September, 2025

PER COURT :-

1. Heard learned counsel for the petitioner and learned AGP for Respondent No.1 to 3.

2. The grievance of the petitioner is with regard to an order dated 17.06.2022 issued by Respondent No.3- Divisional Deputy Director of Education, Aurangabad, whereby, approval granted to the appointment of the petitioner on the post of Assistant Teacher was cancelled, on the ground that the Education Officer, who had granted approval to her appointment by an order dated 22.04.2014, at the relevant time, did not have the administrative power to pass such an order.

3. It is the case of the petitioner that after she approached the Minority Commission, the matter was looked into again and thereafter, the proposal was again rejected by an order dated 28.10.2022, passed

by Respondent No.4-Education Officer, reiterating the earlier ground and adding another reason for cancellation of approval, to the effect that the petitioner did not satisfy the requirement of clearing Teachers Eligibility Test (TET) as per Government Resolution dated 24.08.2018,.

4. Learned counsel for the petitioner submits that both grounds for cancellation of approval granted to the appointment of the petitioner are unsustainable. He submits that lack of administrative power with the then Education Officer cannot be a ground to cancel approval, which otherwise was correct on merit. As regards the second ground, it is submitted that the petitioner is working in a Minority Institution and as per the law laid down by the Hon'ble Supreme Court in the case of **Anjuman Ishaat-E-Taleem Trust Vs. The State of Maharashtra & others**, vide judgment and order dated 01.09.2025, passed in Civil Appeal No. 1385 of 2025, although the requirement of clearing TET is held to be mandatory, but a window of two years is granted for teachers to obtain such a qualification from the date of the said Judgment. Even otherwise, it is submitted that the petitioner cleared C-TET held by the Central Board of Secondary Education, in December 2022 and as per the aforementioned judgment of the Supreme Court, C-TET is equivalent to TET and therefore, the second ground is also wholly unsustainable.

5. In response, learned AGP referred to the contents of the reply affidavit to justify the impugned order. He submitted that a detailed enquiry was conducted on a complaint received from a third party with

regard to the lack of administrative power in the then Education Officer (Primary), Zilla Parishad, Aurangabad, which led to the initial order cancelling the approval granted to the appointment of the petitioner. It is submitted that since a detailed enquiry was conducted and opportunity was granted to the petitioner as well as the Management, no fault can be found with the impugned order.

6. Having heard learned counsel for the rival parties, we are of the opinion that the impugned orders cancelling the approval granted to the appointment of the petitioner are wholly unsustainable. As regards the first ground concerning lack of administrative power in the then Education Officer, when the approval order dated 22.04.2014 was passed, we are of the opinion that on third party complaint, Respondent No.3 Deputy Director of Education could not have passed such a drastic order. Particularly when the victims, like the petitioner who are teachers, had no hand in the error committed by the then Education Officer who proceeded to consider the cases of the petitioner and other teachers on merit, in the absence of administrative powers to do so.

7. As to whether the said Education Officer or another Officer was bestowed with the administrative power was an internal matter of administration and management of the Respondents and for the error committed on their part, with no allegation of foul play on the part of the teachers like the petitioner, the impugned order dated 17.06.2022 could not have been passed.

8. As regards the second ground, we are satisfied that the same can also not be sustained, for the reason that as per the law now clarified by the Hon'ble Supreme Court in its judgment in the case of **Anjuman Ishaat-E-Taleem Trust** (supra), the approval granted to the appointment of the petitioner could not have been cancelled for having failed to clear the necessary examination i.e. TET/C-TET. A window of two years from the judgment and order of the Hon'ble Supreme Court is still available to acquire such qualification.

9. In any case, the documents show that the petitioner had cleared C-TET as far back as in December, 2022. The aforesaid judgment of the Hon'ble Supreme Court in the case of **Anjuman Ishaat-E-Taleem Trust** (supra), also holds that qualification of C-TET is equivalent to TET. Therefore, the petitioner clearly holds the necessary qualification and the second ground is also rendered wholly unsustainable.

10. In view of the above, the writ petition is allowed in terms of prayer clauses (B) and (C), which read as under:

(B) To quash and set aside the order dated 17.06.2022 passed by the Deputy Director of Education, Aurangabad Division, Aurangabad by issuing appropriate writ order direction, as the case may be.

(C) To quash and set aside the order dated 28.10.2022, passed by the Education Officer(Primary), Zilla Parishad,

Aurangabad by issuing appropriate writ order direction,
as the case may be.

11. It shall be deemed that appointment of the petitioner stands approved as per order dated 22.04.2014 and that the services of the petitioner stood approved with effect from 18.06.2013, soon after completion of her probation.

12. Consequential benefits shall be paid to the petitioner within a period of three months from today.

13. Pending applications, if any, stand disposed of.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)

JPChavan