



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12732 OF 2025

SHOEB KHAN ISMAEEL KHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

- Mr. Syed Azizoddin R., Advocate for the Petitioner
- Mr. V. M. Jaware, AGP for Respondents- State
- Mr. A. R. Nikam, Advocate for Respondent No. 2
- Mr. Rahul Kazi, Advocate for Respondent Nos. 5 and 6

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CORAM : SMT. VIBHA KANKANWADI
AND
HITEN S. VENEGAVKAR, JJ.

DATED : OCTOBER 14, 2025

PER COURT :

1. Leave to amend prayer clause. Amendment be carried out forthwith.

2. The present petition is filed for following reliefs:-

- “B) This Hon’ble Court may be pleased to issue appropriate writ, order or directions against the respondents to quash and set aside the impugned letter dated 03.07.2025 (Exh. “H”) and direct the respondent no. 4 to enroll the petitioner on the online Shalarth Pranali by generating the Shalarth Id and release the service benefits in favour of the petitioner.*
- C) This Hon’ble Court may be pleased to issue appropriate writ, order or directions against the respondents to release and award all service benefits in favour of the petitioner.*
- D) Pending hearing and final disposal of this Writ Petition, the respondent no. 2 be directed to enroll the petitioner on the online Shalarth Id portal provisionally”*

3. Heard the learned advocate for the petitioners, the learned Addl. GP for the State, the learned Advocate for respondent No. 2 – Maharashtra State Council of Examination and the learned Advocate for respondent Nos. 5 and 6, management and school respectively.

4. The petitioner is appointed as '*Shikshan Sevak*' on 01.08.2017 in a school administered by respondent No. 5, a minority educational institution under Article 30 of the Constitution of India. A proposal for approval of the petitioner's appointment and for generation of '*Shalarth* ID' was submitted by the management on 10.10.2024.

5. The said proposal was rejected by Respondent No. 4 *vide* communication dated 03.07.2025, solely on the ground that the petitioner had not qualified the Teacher Eligibility Test (TET) and therefore, his name could not be uploaded to the online *Shalarth Pranali*, nor could service benefits be released.

6. The learned advocate for the petitioner has drawn attention to the judgment of the Hon'ble Supreme Court in ***Anjuman Ishaat-E-Taleem Trust v. State of Maharashtra and Others, 2025 LiveLaw (SC) 861***, wherein the applicability of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act), and the requirement of TET qualification for minority institutions has been referred to a larger Bench.

7. The Supreme Court, in paragraph 214 of the said judgment, held as under:-

“214. Per the detailed discussions above and resting on the same, we hold that the provisions of the RTE Act have to be complied with by all schools as defined in Section 2(n) of the RTE Act except the schools established and administered by the minority – whether religious or linguistic – till such time the reference is decided and subject to the answers to the questions formulated above under section VII. Logically, it would follow that in-service teachers (irrespective of the length of their service) would also be required to qualify the TET to continue in service.”

8. As such, until the larger Bench decides the reference, minority institutions are exempt from the requirement of TET qualification under the RTE Act. The petitioner’s institution, being a minority institution duly recognized as such under the Government Resolution dated 20.06.2003, is entitled to the benefit of this interim exemption.

9. Considering the limited scope of challenge and the nature of reliefs sought, and without expressing any opinion on the merits of the appointment, we are of the view that the communication dated 03.07.2025 deserves to be set aside. Therefore, the rejection of the petitioner’s proposal on the sole ground of non-qualification in TET, as reflected in the communication dated 03.07.2025, cannot be sustained in law.

10. The impugned communication dated 03.07.2025, issued by the Deputy Director of Education, Chhatrapati Sambhajinagar, is hereby quashed and set aside.

11. Respondent No. 4 is directed to enroll the petitioner on the online '*Shalarth Pranali*' by generating the Shalarth ID, without insisting on TET qualification, in view of the judgment of the Hon'ble Supreme Court in *Anjuman Ishaat-E-Taleem Trust (Supra)*.

12. Such decision to be taken by respondent No. 4 within a period of one month from today.

13. In view of the above, the writ petition is disposed.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)