

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

(906) WRIT PETITION NO.14144 OF 2024

Gramin Vikas Shikshan Mandal & Ors.Petitioners

Versus

The State of Maharashtra and Anr.Respondents

AND

(907) WRIT PETITION NO.14175 OF 2024

Gramin Vikas Shikshan Mandal & Ors.Petitioners

Versus

The State of Maharashtra and Anr.Respondents

Mr. Rahul Kadam a/w. Mr. Vedant Babar for the Petitioners in both Petitions.

Mr. A.K. Naik, AGP for the Respondent – State in WP/14144/2024.

Ms. D.S. Deshmukh, AGP for Respondent Nos.1 and 2 in WP/14175/2024.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 25th SEPTEMBER, 2025

P.C. :-

1. In both these Petitions, the Petitioners, who are working as Assistant Teachers on no grant-in-aid basis, have not yet acquired their TET qualifications.

2. The learned Advocate for the Petitioners submits that the entire School, which was on no grants basis, is now receiving 20% grants.

3. In both these cases, though the photostat copies of such approvals are placed on record, the Authorities who have maintained the inward and outward registers, do not find that such approval orders were released after being recorded in the outward registers. In short, the transmission of these approvals, which should find a mention in the outward registers, is not found in such registers. The outward number on the approval order does not match with the entries made in the outward registers.

4. This is a peculiar situation. On the one hand, the Petitioners have approval orders to their appointments made on the un-aided establishments. On the other hand, the competent Authority is unable to trace out the records pertaining to the issuance of such approval orders and the transmission to the management, which has to be mentioned in the outward registers.

5. The Division Bench of this Court at the Aurangabad Bench, has delivered a judgment in the case of ***Pramod Prabhakar Pokale v/s. State of Maharashtra and Ors.***¹ concluding that once an approval is legally granted to the appointment of an employee, while entertaining a proposal for e.g. for transfer to the aided

1 AIR OnLine 2019 Bom 30

establishment or for any other reason including the reason for grant of Shalarth ID, the approval cannot be cancelled. It is only when the department notices a glaring fraud in the authenticity of such approval order, that a particular procedure can be followed to deal with the situation.

6. The Hon'ble Supreme Court has delivered a judgment in the case of *Anjuman Ishaat-E-Taleem Trust v/s. The State of Maharashtra*², thereby upholding the mandate of TET qualification not only to the Teachers who have been appointed after the advent of the TET regime, but even prior thereto with the introduction of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 (RTE Act). We have relied upon the said judgment while deciding *Sagar Dattatray Chorghe v/s. State of Maharashtra and Ors.*³

7. As such, the Hon'ble Supreme Court has ruled that if any Teacher desires promotion or better service benefits, he/she must first acquire TET. Those who have less than five years to retirement, are exempted from TET, provided they will not be

2 Judgment dated 1st September, 2025 in Civil Appeal No.1385 of 2025 and connected Appeals

3 Judgment dated 11th September, 2025 in Writ Petition No.7943 of 2024 along with Writ Petition No.861 of 2025

entitled to better service benefits/promotions. Those who have more than five years to retirement, are under a mandate to acquire the TET qualification and seek better service benefits/promotions.

8. In view of the above, with regard to the candidates without TET qualifications, this Court had directed status quo to be maintained in the case of *Sagar Gopichand Bahire v/s. The State of Maharashtra and Ors.*⁴ after concluding that non-TET qualified Teachers will have to be terminated from service. Keeping in view the judgment of the Hon'ble Supreme Court in *Anjuman Ishaat-E-Taleem Trust* (Supra), the services of these Petitioners can be protected. Their approval can also be maintained since status quo orders were passed earlier. However, they cannot get higher service benefits until they qualify TET.

9. In view of the above, **we are disposing off both Petitions**, with limited directions, as under :

(a) The Petitioners would continue to draw salary from their Employer;

(b) Their proposals for shifting them from the unaided establishment to the aided establishment or for the benefits of the 20% grant-in-aid, shall not be entertained until they first acquire the TET qualification and thereafter, the Employer would

⁴ Order dated 11th June, 2021 in Writ Petition No.4904 of 2020 along with connected matters

forward their proposals to the competent Authority for seeking approval for taking them on the partially grant-in-aid establishment and the Shalarth ID;

(c) In the meanwhile, considering the view taken by us vide our order in the case of ***Bhairavnath Charitable Trust and Ors. v/s. The State of Maharashtra and Ors.***⁵, the competent Authority would initiate a proper inquiry into the aspect as to why the outward number on the approval orders of the Petitioners are not matching with their entries, keeping in view that these Petitioners were granted individual approvals to their appointment orders in the “Individual Approval Camp” routinely held by the Education Department;

(d) In the event Petitioner No.3 in the first Petition, is found to be deployed in the Higher Secondary 9th and 10th standard division for imparting education and is not required to acquire the TET qualification, the competent Authority would consider the said aspect and pass an appropriate order.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

5 Order dated 11th September, 2025 in Writ Petition No.11391 of 2024 along with connected matters