GAURI AMIT GAEKWAD
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(906) WRIT PETITION NO.5541 OF 2025
WITH
(907) WRIT PETITION NO.5542 OF 2025
WITH
(908) WRIT PETITION NO.5543 OF 2025
WITH
(909) WRIT PETITION NO.5544 OF 2025

The Managing Trustee,
St. John The Baptist High School
& Junior College and Anr. ….Petitioners

Versus

The Education Officer (Secondary) & Ors. ….Respondents

Mr. Mandar Limaye a/w. Mr. Vedant Bende for the Petitioners in all Petitions.
Mrs. P.N. Diwan, AGP for the Respondent – State in WP/5541/2025.
Mrs. R.A. Salunkhe, AGP for the Respondent – State in WP/5542/2025.
Mr. P.P. Kakade, Addl. GP a/w. Ms. Priyanka Chavan, AGP for the Respondent – State in WP/5543/2025.
Mr. B.V. Samant, Addl. GP a/w. Mr. S.H. Kankal, for the Respondent – State in WP/5544/2025.
Mr. Sudhir Gholap and Mr. Vishal Bapat, Senior Assistants, Education, Thane Zilla Parishad present.

CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.

DATE : 1st OCTOBER, 2025

P.C. :-

1. These matters were heard yesterday and were adjourned overnight as part-heard.

2. Today, the concerned officer is present in the Court hall and instructs the learned AGP to make a statement that, on some aspects of the impugned order, a notice of hearing was not issued to the Management in the light of the direction of this Court vide order dated 11th June 2024, passed in Writ Petition No.6869 of 2024. Therefore, the impugned order loses its efficacy. The matters, therefore, can be remanded to Respondent No.1 for a rehearing.

3. It is in the light of the above that we have decided to remit these cases for a rehearing before Respondent no. 1.

4. We have gone through the impugned orders thread-bare. We, therefore, direct that those new objections raised in the impugned orders, after the earlier direction of this Court dated 11th June, 2024, shall be treated as a notice to the Management. On these objections, the Management would tender a revised proposal along with its written submissions within a period of 21 days from today.

5. Respondent No.1 would ignore the following objections in all these Petitions :

> (i) Objection with regard to the advertisement since it was published in one of the largest

circulated newspaper in India, namely the Times of India;

(ii) Objection with regard to the bill of charges with reference to the newspaper advertisement, having not been produced;

(iii) That any of the Petitioner teachers has not passed the TET exam.

6. The reasons why we are directing that the above objections should be ignored, are as under :

(a) The advertisement which should be published in two newspapers having large circulation, was published only in the Times of India newspaper. This has been placed on record, is the contention of the Petitioner. The same shall be placed before Respondent No.1, once again in view of the objection of the learned AGP that it was not tendered;

(b) Insofar as TET is concerned, the Hon'ble Supreme Court has delivered a judgment in the case of ***Anjuman Ishaat-E-Taleem Trust v/s. The State of Maharashtra and Ors.***[1], wherein the issue as to whether the teachers working in Minority Institutions are mandated to acquire TET qualifications or not, has been referred to a Larger Bench. Hence, this condition could be ignored by directing the Management, to an tender affidavit undertaking that if the Hon'ble Supreme Court concludes that TET is compulsory even for teachers in Minority Institutions, the said Institution would abide by the directions of the Hon'ble Supreme Court. Moreover, some of these Petitioners have acquired the TET qualifications;

(c) Insofar as the publication of the advertisement in two largely circulated newspapers is concerned,

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

> the Management has already published the advertisement in the Times of India, one of the largest circulated newspaper in India. An irregularity committed in 2017 of not publishing the advertisement in one more newspaper, in the peculiar facts and circumstances of this case, would be ignored.

On the remaining aspects, including the new objections, the Management shall tender a clarificatory/explanatory submission in writing and with documents, if any, within a period of 21 days from today. Thereafter, Respondent No.1 would scrutinize the explanation and pass a reasoned order on or before 30th November, 2025.

7. With the above directions, **these Petitions are disposed off**.

(ASHWIN D. BHOBE, J.) **(RAVINDRA V. GHUGE, J.)**