

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6469 OF 2025**

Neeta Narayan Nikate

....Petitioner

Versus

The State of Maharashtra and Ors.Respondents

Mr. Kisan D. Dhamale for the Petitioner.

Mr. Abhijeet K. Naik, AGP for Respondent Nos.1 to 3.

Mr. Sushant Prabhune for Respondent No.4.

**CORAM : RAVINDRA V. GHUGE &
M.M. SATHAYE, JJ.**

DATE : 11th JUNE, 2025

P.C. :-

1. We find that the Petitioner, who was admittedly appointed in 2018, after the law on compulsion of TET was enforced and the deadline to possess TET was fixed at 31st March, 2019, was successful in getting approval from the Education Officer without possessing the requisite qualifications. Now, on the basis of such approval, the Petitioner claims that her transfer from the unaided establishment to the aided establishment should be granted an approval and it should not be questioned as to whether she had the requisite qualifications when she was appointed.

2. We find that there are growing instances of such cases and the High Court cannot turn a blind eye to the fact that a

candidate has succeeded in securing approval without possessing the requisite qualifications and is claiming transfer to the aided establishment on the strength of such approval.

3. **Issue notice to the Respondents**, returnable on 22nd July, 2025. The learned AGP waives service of notice on behalf of Respondent Nos.1 to 3. Mr. Prabhune, the learned Advocate also waives service of notice on behalf of Respondent No.4.

4. Respondent No.2 shall explain as to how the approval was granted to the Petitioner on 9th October, 2018 when she did not have the requisite qualifications. The affidavit in reply should include an explanation in this context. Parties are at liberty to file their affidavits in reply, at least, ten days prior to the returnable date.

5. All office objections, if any, to be removed, on or before 26th June, 2025, failing which, this Petition shall stand dismissed without reference to the Court, on 27th June, 2025.

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)