

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 9628 OF 2025**

Shankar s/o. Dinkar Sathe.  
Age: 33 years, Occu.: Service as a  
Shikshan Sevak working with  
Narayanrao Sanas Vidyalaya Wadgaon (Kh.)  
(Sanasnagar), Pune. ... Petitioner.

V/s.

1. The State of Maharashtra  
Through its Secretary School  
Education and Sport Department,  
Mantralaya, Mumbai-32.
2. The Education Officer (Secondary)  
Pune Zilla Parishad, Pune
3. The President/Secretary,  
Rayat Shikshan Sanstha  
Satara-415001.
4. The Divisional Officer,  
Rayat Shikshan Sanstha, Western  
Division, City Suery No. 556,  
Aundhgaon, Pune-411007.
5. The Headmaster,  
Narayanrao Sanas Vidyalaya  
Wadgaon (Kh.) (Sanasnagar),  
Pune-411041. ... Respondents.

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Mr. Ketan Pote (through V.C.) a/w. Mr. Deepak Pote, Advocate for  
Petitioner.

Mrs. Pooja Joshi-Deshpande, AGP for Respondent/State.

Mr. Akshay Shinde, Advocate for Respondent No. 3 to 5.

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**CORAM : RAVINDRA V. GHUGE AND  
ASHWIN D. BHOBE, JJ.  
DATE : 26<sup>th</sup> NOVEMBER, 2025**

**ORAL JUDGMENT : (*Per Ravindra V. Ghuge, J*)**

1. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.
2. The grievance of the Petitioner is that he is not granted an approval by the Order dated 9.7.2021, after being appointed as a Shikshan Sevak on compassionate basis. The learned AGP has placed on record a copy of the approval order dated 21.11.2025 issued by Dr. Bhausasheb Karekar, Education Officer (Secondary), Pune Zilla Parishad, Pune. The same is marked as 'X' for identification.
3. We have heard the learned Advocate for the Petitioner, the learned AGP for Respondent-State and the learned Advocate for Respondent Nos. 3 to 5.
4. The conditions imposed on the Petitioner, in the order 'X' at

Serial No. 13 and 15, read thus:

" १३) आपणास शिक्षणसेवक पदावर रुजू दिनांकापासून ५ वर्षांच्या आत टीईटी उत्तीर्ण करून प्रमाणपत्र सादर करावे लागेल, अन्यथा आपली नियुक्ती रद्द करणेत येईल.

१५) संदर्भ क्रमांक ८ चे शासन निर्णयान्वये पाच वर्षांच्या आत शिक्षक पात्रता परीक्षा किंवा केंद्रीय शिक्षक पात्रता परीक्षा ही अर्हता धारण करणे बंधनकारक राहिल. विहित मुदतीत पात्रता परीक्षा उत्तिर्ण न झाल्यास त्यांची शिक्षक पदावरील सेवा समाप्त करण्यात येईल."

5. There is no dispute that though the Petitioner is appointed on compassionate basis, if he has to become an Assistant Teacher, he must have the TET/C-TET qualification. He has already completed 3 years as Shikshan Sevak, since he was appointed on 9.7.2021. Presently, he is still working as a Shikshan Sevak. If he has the requisite qualification, he would have become an Assistant Teacher in July, 2024 and if the School was grant-in-aid, he would have received the salary of the Assistant Teacher under the aided establishment.

6. The Hon'ble Supreme Court has delivered a verdict in *Anjuman Ishaat-E-Taleem Trust V/s. The State of Maharashtra & Others (2025 SCC OnLine SC 1912)*. Those candidates who have more than 5 years in employment before superannuation, are directed to acquire the TET qualification within 2 years. If they fail to do so, their services are to be dispensed with. We are adverting to paragraph No. 217 of the

***Anjuman Ishaat-E-Taleem Trust(supra)***, which reads as under :

*“217. Insofar as in-service teachers recruited prior to enactment of the RTE Act and having more than 5 years to retire on superannuation are concerned, they shall be under an obligation to qualify the TET within 2 years from date in order to continue in service. If any of such teachers fall to qualify the TET within the time that we have allowed, they shall have to quit service. They may be compulsorily retired; and paid whatever terminal benefits they are entitled to. We add a rider that to qualify for the terminal benefits, such teachers must have put in the qualifying period of service, in accordance with the rules. If any teacher has not put in the qualifying service and there is some deficiency, his/her case may be considered by the appropriate department in the Government upon a representation being made by him/her.”*

7. In view of the above, we are modifying Clause Nos. 13 and 15 to the extent that the Education Officer would re-word Clause Nos. 13 and 15 by incorporating the following aspects :

**For Clause -13** - The Petitioner would acquire the TET/C-TET qualification prior to December, 2027 and only thereafter, he would be posted as an Assistant Teacher and if the Institution is grant-in-aid, he would receive the salary grants as per the pay scale available to a TET/C-TET qualified Assistant Teacher.

**For Clause -15** - If the Petitioner does not acquire TET/C-TET qualification prior to 31<sup>st</sup> December, 2027, his services would be dispensed with.

8. The learned Advocate for the Petitioner submits that the Petitioner would make his best endeavour and would appear for the TET/C-TET exam, as maybe possible and he would be bound by the above modified Clauses Nos. 13 and 15.

9. We, therefore, direct the Education Officer to reword the Clauses 13 and 15 by incorporating the above aspects as we have directed and issue a modified order within a period of 15 days.

10. Needless to state, the moment the Petitioner passes TET/C-TET exam, in any case prior to 31<sup>st</sup> December 2027, the Management would forward his proposal for approval as an Assistant Teacher with effect from 9.7.2024, but with monetary benefits only from the date he has acquired TET/C-TET qualification. Accordingly, his name would be entered in the Shalarth I/D for payment of salary purpose.

11. The **Petition is partly allowed** in the above terms.

12. **Rule is made partly absolute.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)