

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

(945) WRIT PETITION NO.12039 OF 2025

Yamin Zakir Shaikh

....Petitioner

Versus

The State of Maharashtra and Ors.

....Respondents

AND

(946) WRIT PETITION NO.12040 OF 2025

Tazin Abdul Faiz Shaikh

....Petitioner

Versus

The State of Maharashtra and Ors.

....Respondents

Mr. Vinod P. Sangvikar a/w. Mr. Govind, Mr. Shubham Sonawale
and Mr. Siddheshwar Galande for the Petitioner in both Petitions.

Mr. K.S. Thorat, 'B' Panel Counsel for Respondent Nos.1 and 2 in
WP/12039/2025.

Mrs. Pooja Joshi Deshpande, AGP for Respondent Nos.1 and 2 in
WP/12040/2025.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 23rd SEPTEMBER, 2025

P.C. :-

1. All these Petitioners are employed as Assistant Teachers with Respondent No.6 Minority Institution. All of them have acquired their TET qualification after 31st March, 2019 and before 1st September, 2025 when the Hon'ble Supreme Court delivered a judgment in Civil Appeal No.1385 of 2025 and connected Appeals (*Anjuman Ishaat-E-Taleem Trust v/s. The State of Maharashtra*).

2. The learned Advocate for the Petitioners submits that Respondent Nos.5 and 6 Management is cooperating with the Petitioners and is presently paying their salaries through its own funds.

3. This Court, relying upon the judgment delivered by the Hon'ble Supreme Court in *Anjuman Ishaat-E-Taleem Trust* (Supra), delivered a verdict in *Sagar Dattatray Chorghe v/s. State of Maharashtra and Ors.*¹ observing in paragraph nos.11 to 18, as under :

11. In view of the said Judgment delivered in Anjuman Ishaat-E-Taleem Trust (Supra), the Hon'ble Supreme Court concluded as under :-

a) In-service teachers (irrespective of the length of their service), would be required to qualify the TET to continue in service.

b) By invoking Article 142 of the Constitution of India, those teachers who are in service prior to the advent of the RTE Act, having less than five years service left on the date of the Judgment of the Hon'ble Supreme Court (1st September, 2025), may continue in service till the age of superannuation without qualifying the TET. Such teachers would not be entitled for promotion. If such teacher aspires for promotion, he will have to qualify the TET.

c) In-service teachers recruited prior to the enactment of the RTE Act and having more

¹ Judgment dated 11th September, 2025 in Writ Petition No.7943 of 2024

than five years for superannuation, shall be obliged to qualify the TET within two years from the date of the order (1st September, 2025), in order to continue in service. If any such teacher fails to qualify the TET within the two years, he shall have to quit service or he may be compulsorily retired with payment of terminal benefits. To qualify for the terminal benefits, such teacher must have put in the qualifying period of service, as is required under 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.

d) Candidates aspiring for appointment or those in-service teacher aspiring for promotion, must qualify the TET.

12. The issue raised before us is as to what would be the fate of those in-service candidates, who joined employment without the TET/CTET qualifications after the TET qualification was made compulsory and have not acquired qualifications till today or have acquired it before the Judgment of the Hon'ble Supreme Court.

13. The Judgment of the Hon'ble Supreme Court in Anjuman Ishaat-E-Taleem Trust (Supra), does not reveal that this aspect was addressed to the Hon'ble Supreme Court. While dealing with cases of in-service candidates, who joined prior to the said test becoming mandatory, the Hon'ble Supreme Court ruled that those teachers, who have less than five years service left, need not acquire the qualification, unless they desire promotion. Those having more than five years to retire, shall acquire the TET qualification within two years from the date of the Judgment. If they fail to qualify the TET within the said time, they shall be removed from employment or

compulsorily retired.

14. Drawing guidance from this conclusion, we are of the view that ends of justice would be met and the dictum of the Hon'ble Supreme Court in Anjuman Ishaat-E-Taleem Trust (Supra), would stand followed, with a direction that those candidates, who are in service after the introduction of the TET mandate and who have not acquired the TET qualification till today, shall acquire the said qualification within two years from 1st September, 2025, if they have more than five years of service left. If they do not clear the test in these two years, they shall quit employment or may stand compulsorily retired. Similarly, in-service teachers who have less than five years until retirement and do not aspire to seek promotion, need not qualify the said test.

15. In cases wherein such teachers joined service after the introduction of the mandate of TET, did not acquire the TET qualification prior to 31st March, 2019 and have acquired the qualifications prior to the Judgment of the Hon'ble Supreme Court in Anjuman Ishaat-E-Taleem Trust (Supra), dated 1st September, 2025, can be continued in service and they would also be entitled for promotion.

16. Needless to state, in all above cases what is said about the State TET, would also apply to the CTET, meaning that candidates who have acquired CTET will be at par with the candidates who have acquired the State TET.

17. In view of the above, both these Writ Petitions are partly allowed. The impugned orders refusing approval to their transfer from the unaided establishment to the aided establishment, on account of failing to acquire TET prior to 31st March, 2019, shall stand quashed and set aside, in cases wherein the Petitioners have acquired the TET/CTET qualification. As both

these Petitioners have acquired the TET/CTET qualification even prior to the Judgment of the Hon'ble Supreme Court in Anjuman Ishaat-E-Taleem Trust (Supra), they would be entitled for approval to such transfer from the unaided to the aided establishment, and also the Shalarth-ID, provided there is no other legal impediment. We, therefore, direct the concerned authority to consider each of these cases, independently and pass a 'fresh order' with reasons, at the earliest.

18. We record that those cases in which the candidates are alleged to have participated in the 2019 TET exam results scam, would not be ipso facto covered by the view taken in this Judgment. In short, each of such cases would be scrutinized by the Court, independently, on the facts and circumstances of each case.

4. The Petitioners state that they are not involved in the 2019 TET exam results scam.

5. In view of the above, the learned AGPs submit that this Court may pass an appropriate order in the light of *Anjuman Ishaat-E-Taleem Trust* (Supra).

6. Since all these Petitioners have acquired their C-TET qualifications prior to 1st September, 2025, and considering that the Hon'ble Supreme Court has referred the issue of whether TET can be made mandatory for teachers in Minority Institutions, to a Larger Bench, we find no impediment in favourably considering these Petitions.

7. In view of the above, the impugned orders passed in the cases of these Petitioners, are quashed and set aside. Their proposals are remitted to Respondent No.4 for favourable consideration in the light of *Anjuman Ishaat-E-Taleem Trust* (Supra) and *Sagar Dattatray Chorghe* (Supra), save and except, if there is any other legal impediment. In the event of any other deficiencies, we grant liberty to the Management to submit a revised proposal of these Petitioners within 30 days from today, and in such a case, Respondent No.4 shall consider the said proposals on their own merits and pass an order with reasons on or before 15th December, 2025.

8. In view of the above, **both these Petitions are disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)