

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13746 OF 2025

Sachin Hanumant BhujbalPetitioner

Versus

The State of Maharashtra & Ors.Respondents

Ms. Manisha Devkar for the Petitioner.

Mr. P.P. Kakade, Addl. GP a/w. Ms. Priyanka Chavan, AGP for the
Respondent – State.

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

DATE : 25th NOVEMBER, 2025

P.C. :-

1. The Respondent Employer has forwarded the proposal of the Petitioner seeking approval to his appointment. The same has been rejected by the impugned order dated 15th May, 2023 on the ground that the Petitioner did not have the TET qualification prior to 31st March, 2019.

2. The learned Advocate for the Petitioner submits that this Petition has been filed in the light of the recent judgment of the Hon'ble Supreme Court dated 1st September, 2025 in Civil Appeal No.1385 of 2025 and connected Appeals (*Anjuman Ishaat-E-Taleem Trust v/s. The State of Maharashtra and Ors.*) and the judgment of

this Court dated 11th September, 2025 in Writ Petition No.7943 of 2024 along with a connected Writ Petition (*Sagar Dattatray Chorghe v/s. The State of Maharashtra and Ors.*).

3. We have considered the submissions of the learned Advocate for the Petitioner and the learned AGP. It is now well settled by the Hon'ble Supreme Court in *Anjuman Ishaat-E-Taleem Trust* (supra) that candidates who acquired their TET qualification even after the cut-off date, would be eligible for service benefits and promotions, as well as higher pay scales, from the date they have acquired the qualifications.

4. We have relied upon the judgment in *Anjuman Ishaat-E-Taleem Trust* (supra) while delivering the judgment in *Sagar Dattatray Chorghe* (supra), paragraph Nos.14, 15 and 17 of which, read as under :

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, if we hold that those candidates who have acquired the TET before the judgement in Anjuman (supra) was delivered, can safely continue in employment, keeping in view the direction of the Hon'ble Supreme Court granting 2 years period to acquire the said qualification. If 2 years time from the date of the said Judgment

has been granted to such candidates, then, those who have acquired the said qualification before the pronouncement of the judgment in Anjuman (supra), can surely be protected.

15. We, therefore, conclude that in cases wherein, teachers who 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.

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*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.*

5. In view of the above, **this Petition is partly allowed.**

The impugned order is quashed and set aside.

6. Since the only objection raised on the proposal of the Petitioner pertains to the non-acquiring of the TET qualification before the cut-off date, we do not find that there is any hurdle in the path of the Petitioner. The Education Officer (Secondary) would now pass an order granting approval to the appointment of the Petitioner. Consequentially, the Shalarth ID would also be allotted to him for processing the salary payment. The Petitioner would be entitled to the stipend available for a Shikshan Sevak for the period of 3 years. After completion of the 3 years' tenure as a Shikshan Sevak, though he would be entitled for the designation of an Assistant Teacher, salary scale as per the grants-in-aid would be available to him only from 3rd March 2023, when he acquired the TET qualification.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)