



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION NO. 3041 OF 2024**

Ramakant s/o Ganeshrao Ghuge,  
age : 42 years, Occ : Service as  
Teacher, R/o Sukanda, Tah.Malegaon,  
District – Washim

} .. **Petitioner**

**Versus**

1. The State of Maharashtra  
Through its Secretary, Ministry of  
Education and Sports Department,  
Mantralaya, Mumbai – 32
2. The Deputy Director of Education,  
Amravati Division, Amravati
3. The Education Officer (Secondary)  
Zilla Parishad, Washim,  
District – Washim
4. Shikshan Prasarak Mandal,  
Malegaon, through its President,  
Tah.Malegaon, District – Washim
5. N.N.Mundada Secondary and Higher  
Secondary School, Malegaon, through  
its Head Master, Tah. Malegaon,  
District - WASHIM

} .. **Respondents**

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Mr. Ram Karode, Advocate for Petitioner.

Mr. S.M.Ukey, Addl. G.P. for respondent Nos.1 to 3.

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**CORAM : AVINASH G. GHAROTE AND  
ABHAY J. MANTRI, JJ.**

**DATED : JANUARY 20, 2025**

**ORAL JUDGMENT** (Per : Abhay J. Mantri J.)

Heard. **Rule.** Rule made returnable forthwith. Heard finally, with the consent of the learned counsel appearing for the parties.

(2) The petitioner works as an 'Assistant Teacher' in respondent Nos.4 and 5 Education Society and School, respectively. Respondent No.4 Education Society is recognized as a Minority Educational Institution and, as such, is entitled to protection as granted under Article 30 of the Constitution of India.

(3) On 01/08/2013, following due process of law, the petitioner was appointed to the post of 'Assistant Teacher' (for 6<sup>th</sup> to 8<sup>th</sup> Standard) on a no-grant basis with respondent No.5 School (additional Section). The respondent No.3 Education Officer approved the same on 20/08/2013.

(4) As per the policy decision dated 06/02/2023, the said unaided Section started receiving 20% grant-in-aid. Accordingly, respondent No.2 issued an order granting 20% grant-in-aid to standard 6<sup>th</sup> to 8<sup>th</sup> w.e.f. 01/08/2023.

(5) On 10/08/2023, respondent No.5, Head Master, forwarded the proposal for the grant of Shalarth I.D. to respondent No.3, Education Officer. Thereafter, respondents No.4 and 5 removed the deficiency pointed out by respondent No.3 on 27/09/2023. However, no action has been taken by the Office of respondent No.2. Therefore, the petitioner approached the Court.

(6) Mr. Karode, learned counsel for the petitioner, submitted that the issue involved in this petition had been covered by the decision in Writ Petition No.256/2020, which was followed in Writ Petition No.6542/2019, decided on 05/07/2024. In view of the said decision, he urged the petition to be allowed.

(7) As against this, Mr. Ukey, learned Additional Government Pleader, after going through the said decision, has fairly conceded the legal proposition in the said decision and has submitted that the decision has covered the issue involved in this matter. Accordingly, he urged for the passing of the appropriate order.

(8) We have appreciated the submissions of learned counsel for the parties and perused the record, impugned order and the decision in Writ Petition No.6542/2019.

(9) Considering the same, it reveals that a similar issue was canvassed in Writ Petition No.256/2020, wherein this Court has directed to grant approval to the petitioner therein subject to the final outcome of the pending S.L.P. before the Hon'ble Apex Court and on furnishing undertaking. The relevant portion of the order in Writ Petition No.256/2020 in paragraphs No.7 and 8 is as under:-

*"7. That being so, we direct the respondents to grant approval to petitioner No.3, an employee of petitioner Nos.1 and 2 minority institution, subject to the final outcome of the above-referred S.L.P. and other similar matters.*

*8. The petitioner No.3 shall furnish an undertaking thereby stating that (a) his appointment and approval shall not create any absolute right in his favour; (b) he shall not claim any equity based on it; and (c) if so directed by the Education Officer, the petitioner No.3 shall reimburse the entire amount of salary on executing a bond to that effect to the Education Officer stating that amount paid to petitioner No.3 from public exchequer shall be redeposited with interest as shall be ordered by the Education Officer.*

*Above conditions are incorporated as it is the stand of the respondents that petitioner No.3 does not hold requisite qualification of passing TET."*

(10) In light of the decision in Writ Petition No.256/2020 and relying on the submissions of the learned Additional Government Pleader, in our view, what has been held in the said decision would apply to the issue involved in the present matter. Thus, we deem it

appropriate to allow the present petition in terms of paragraphs 7 and 8 in Writ Petition No.256/2020, as reproduced above.

(11) The Writ Petition is allowed in terms of paragraphs 7 and 8 in Writ Petition No.256/2020.

(12) Rule is made absolute in the above terms. No costs.

**[ ABHAY J. MANTRI, J. ]**

**[ AVINASH G. GHAROTE, J.]**

KOLHE