



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

WRIT PETITION NO. 5742 OF 2025

Shri Babuji Shikshan Yuvak Kalyan Vyayam Va Krida Prasarak Mandal, Akola through
its Secretary & Ors.

..VS..

State of Maharashtra through its Secretary, Department of Education and Sports,
Mantralaya, Mumbai & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Ram Karode, Advocate for the Petitioners.

Mr. A. S. Fulzele, Addl.G.P for the Respondents.

CORAM : SMT. M.S. JAWALKAR, AND
RAJ D. WAKODE, JJ.

DATED : 16th OCTOBER, 2025

1. Heard.
2. Present petition is filed by the Petitioners seeking direction to the Respondent No.2 Education Officer, Zilla Parishad, Akola to grant approval to the transfer of the Petitioner No.3 from unaided division to aided division with all consequential benefits of service. The Petitioners also seek quashing and setting aside the order dated 15/04/2025, passed by the Respondent No.2 – Education Officer, Zilla Parishad, Akola, whereby the proposal of the Petitioners came to be rejected, the reasons for not granting approval to the proposal is mentioned in para 5 of the Communication (page 75).

3. The Petitioner submits that in view of the Judgment passed by the Hon'ble Apex Court in ***Anjuman Ishaat-e-Taleem Trust Vs. State of Maharashtra & Ors.***, reported in ***2025 SCC OnLine SC 1912***, two years time is extended for clearing TET. As such, the transfer of the Petitioner No.3 from unaided division to aided division needs to be granted subject to clearing of TET within a period of two years as directed by the Hon'ble Apex Court.

4. Learned Additional Government Pleader submits that the proposal is not rejected only on the ground that clearing of TET Examination, but there are other deficiencies, therefore, direction cannot be issued to the Zilla Parishad, Akola to grant approval.

5. The Education Officer vide the Communication dated 15/04/2025 informed that the approval granted on 31/08/2025, there are some deficiencies and therefore, the approval granted is not as per law. It is settled position of law that once approval is granted by the Education Officer, it cannot be revoked unless it is obtained by fraud or suppression of facts.

6. We dispose of this petition with direction to Respondent No.2 – Education Officer, Zilla Parishad, Akola to grant approval to the proposal if it is rejected only on the ground of clearing of TET. This ground does not survive as two years period is extended in view of the Judgment

passed by the Hon'ble Apex Court in ***Anjuman Ishaat-e-Taleem Trust*** (supra). If there are any other deficiencies, they may be intimated to the Petitioner Nos.1 and 2 for its compliance.

7. We are of the considered opinion that the Education Officer to take a decision on the proposal within a period of four weeks if there is no other impediment in granting approval to the proposal.

The Writ Petition stands disposed of.

(RAJ D. WAKODE, J.)

(SMT. M.S. JAWALKAR, J.)

Kirtak