



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

WRIT PETITION NO. 1227 OF 2024

Shubham S/o. Ramesh Mendhe and others

Vs.

State of Maharashtra and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P. N. Shende, Advocate for petitioners.
Shri J. Y. Ghurde, AGP for respondent/State.
Shri Shaikh Majid, Advocate for respondent no. 3.

**CORAM :- SMT. M. S. JAWALKAR &
M. W. CHANDWANI, JJ.**

DATED :- 18.12.2025

Heard.

2. The petitioners seek directions to the respondent no. 3- Education Officer (Primary), Zilla Parishad, Nagpur to grant benefit of the regular salary in favour of the petitioners on 20% grant-in-aid w.e.f. 01.01.2023 and to continue payment of their regular salary.

3. Needless to mention that, salary of the petitioners was not released on the ground that the petitioners have not cleared the Teacher Eligibility Test (TET) which was made compulsory in wake of the Right of Children to Free and Compulsory Education Act, 2009 (for short, "the Act of 2009") w.e.f. the year 2013.

4. The contention of the learned counsel for the petitioners is that, exemption from the TET is granted upto

31.03.2009 by issuing different Government Resolutions, in wake of the decision in the case of ***Anjuman Ishaat-E-Taleem Trust Vs. The State of Maharashtra [2025 INSC 1063]*** wherein, it has been held that in-service teachers recruited prior to the enactment of the Act of 2009 having more 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.

5. It is not in dispute that the petitioners in the present petition were appointed after coming into force of the Act of 2009; rather, their appointment was made on or after 2014. Therefore, we find that the present teachers who were appointed after 2009 and have not cleared the TET till the date of the judgment delivered by Supreme Court in case of ***Anjuman Ishaat-E-Taleem (supra)*** are not entitled for the protection granted by the Supreme Court in the above referred case.

6. Reliance has also been placed on para no. 14 of the decision in the case of ***Sagar Dattatray Chorghe Vs. The State of Maharashtra and others (Writ Petition No. 7943/2024, decided on 11.09.2025)***. Taking support of these observations of the Division Bench of this Court, the learned counsel for the petitioners submitted that while granting two years time to qualify the TET to the persons who have been appointed prior to the enactment of the Act of 2009, this Court has also granted the benefits of the said protection to the persons who were appointed subsequent to the enactment of the Act of 2009, who cleared the requisite qualification

before passing of the judgment in the case of ***Anjuman Ishaat-E-Taleem (supra)***. Therefore, according to him, the case of the petitioners is also covered by the decision in the case of ***Sagar Dattatray Chorghe (supra)***.

7. We are not in agreement with the learned counsel for the petitioners for the simple reason that while applying the criteria of two years, the Division Bench of this Court has opined that if two years have been granted to the candidates who were appointed prior to the enactment of the Act of 2009, then the persons who are appointed after the Act of 2009 have already acquired the said qualification before passing of the judgment in the case of ***Anjuman Ishaat-E-Taleem (supra)*** can very well be protected.

8. Nowhere has the the Division Bench of this Court opined that the persons who have been appointed after the Act of 2009 and not cleared the TET examination till date can be granted protection. Since, the petitioners were appointed after coming into force the Act of 2009, more particularly in the year 2014 i.e. after the TET was made compulsory, it was incumbent upon the petitioners from the very inception of their employment to qualify the TET in order to continue in service. Even till the date of passing of the judgment in case of ***Anjuman Ishaat-E-Taleem (supra)***, the petitioners did not acquire the requisite qualification and therefore, they are not entitled to protection. Consequently, we do not find merit in the petition and hence, it is dismissed.

(M. W. CHANDWANI, J.)

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