IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 294 OF 2025

ANJUMAN ISHAT E TALEEM SOCIETY THROUGH
ITS SECRETARY AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH
PRINCIPAL SECRETARY AND ANOTHER

...
Advocate for the Petitioners : Mr. S.S. Kazi
AGP for Respondent/State : Ms. S.S. Joshi
Advocate for Respondent No.2 : Mr. P.D. Suryawanshi
...

CORAM : NITIN B. SURYAWANSHI AND
ABASAHEB D. SHINDE, JJ.

DATE : 06.10.2026

ORDER (PER : ABASAHEB D. SHINDE, J.) :

1. Rule. Rule made returnable forthwith. With the consent of the parties, the writ petition is heard finally at the stage of admission.

2. By this writ petition filed under Article 226 of the Constitution of India, the petitioners take exception to the impugned communication/order dated 25.10.2024 passed by respondent No.2 - Education Officer (Primary), Zilla Parishad, Beed, thereby, rejecting the proposal seeking approval to the appointment of the petitioner No.2 on the ground that she does not possesses the qualification of Teachers Eligibility Test (for short 'TET').

3. Learned counsel for the petitioners relying on the order passed by this Court in the case of **Sir Sayyed Education Society through Its Secretary and Another Vs. The State of Maharashtra and Another**, (Writ Petition No.545/2020 decided on 06.07.2021), would submit that, the petitioner No.1 being a minority institution, the qualification of TET is not applicable to the teachers appointed by it. He would further submit that, the issue as regards applicability of TET to the Minority Institutions, is now referred to the Constitution Bench of the Hon'ble Apex Court in **Anjuman Ishaat E Taleem Trust Vs. The State of Maharashtra and others** (Civil Appeal No.1385/2025) by order dated 30.09.2026. He, therefore, urged that subject to outcome of the decision in the reference, the service of the petitioner No.2 needs to be approved.

4. Learned counsel appearing for respondent No.2 has strenuously opposed the writ petition.

5. We have heard learned counsel for the petitioners, learned AGP for the State and learned counsel for respondent No.2. This Court has consistently taken a view that, for the teachers appointed in a minority institution, possessing the TET qualification is not mandatory. For that purpose the reliance could be placed on the following decision of this Court.

i. **Sadaf Imamoddin Masood Vs. The State of Maharashtra and others** (Writ Petition No.6894/2023 with connected matters, decided on 02.11.2023),

ii. **Sarika Madhavrao Shinde Vs. The State of Maharashtra and Others** (Writ Petition No.13582/2025, decided on 14.11.2025).

iii. **Ansari Zunnoorain Khaja Noorul Saqlain Ansari Vs. State of Maharashtra through its Secretary and Others** (Writ Petition No.14162/2025 with connected matters decided on 27.11.2025).

iv. **Sayed Abu Zaid Sayed Rafique and Another Vs. State of Maharashtra and Others** (Writ Petition No.4708/2026 with connected matters decided on 29.04.2026).

6. In this view of the matter, we find that the impugned communication/order deserves to be quashed and set aside. In the result, we pass the following order:

ORDER

I. The writ petition stands partly allowed.

II. The impugned communication/order dated 25.10.2024 passed by respondent No.2 – Education Officer, is hereby quashed and set aside.

III. We direct the Education Officer (Primary), Zilla Parishad, Beed, to consider the proposal of the petitioner No.2 without insisting on TET qualification.

IV. The petitioner No.2 shall file an undertaking/affidavit before the Education Officer and the Management, stating therein that, if the Hon'ble Apex Court concludes that the TET qualification is mandatory even to the minority institutions, the appointment of the petitioner No.2 would

be deemed to be illegal, the petitioners would be willing to suffer the consequences.

V. Such undertaking/affidavit be filed before the Education Officer and the Management, within a period of three weeks from today, thereupon respondent No.2 to consider and grant the approval to the appointment of the petitioner No.2 as Assistant Teacher by specifically mentioning the contents of the undertaking regarding TET.

VI. Rule is made absolute in the above terms. There shall be no order as to costs.

(ABASAHEB D. SHINDE, J.) (NITIN B. SURYAWANSHI, J.)

habeeb/