IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13512 OF 2026

NOOR JAHAN BEGUM SHAIKH FARID
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

...
Advocate for the Petitioner : Mr. Irfan D. Maniyar
AGP for Respondents: Mr. V.M. Kagne
Advocate for Respondent No.2 : Ms. Yogita S. Thorat
...

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

DATE : 08.10.2026

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 petitioner takes exception to the impugned communication/order dated 16.06.2026 passed by respondent No.2 - Education Officer (Primary), Zilla Parishad, Nanded, thereby, rejecting the proposal seeking second benefit of the selection pay-grade after completion of 24 years on the ground that she does not possesses the qualification of Teachers Eligibility Test (for short 'TET').

3. Learned counsel for the petitioners by 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, as the petitioner working in a minority institution, the qualification of TET is not applicable to the teachers appointed by the minority institution. 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 second benefits of the selection pay-grade needs to be granted.

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

5. We have heard learned counsel for the petitioner, 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 16.06.2026 passed by respondent No.2 – Education Officer, is hereby quashed and set aside.

III. We direct the Education Officer (Primary), Zilla Parishad, Nanded, to consider the proposal of the petitioner without insisting on TET qualification.

IV. The petitioner 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 grant of second benefit of the selection pay-grade to the

petitioner would be deemed to be illegal, the petitioner 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 grant of second benefits of the selection pay-grade to petitioner 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.)

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