IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO. 15267 OF 2026

Mohd Ziyaulhaq Gulbergavi Md A Zaher Amjad And Another
VERSUS
The State Of Maharashtra Through Secretary And Others
...
Mrs. Kavita S. Bhale, Advocate for the Petitioner
Ms. N. B. Kamble, AGP for Respondents/State
Mr. R. K. Ingole, Advocate for Respondent Nos.5 and 6
...
CORAM : NITIN B. SURYAWANSHI &
ABASAHEB D. SHINDE, JJ.
DATE : 27th OCTOBER 2026

P. C. :-

. Heard learned Advocate for the petitioners, learned AGP for the respondent/State and learned Advocate for respondent Nos.5 and 6.

2. The challenge raised in this petition is to the Government Resolution dated dated 29.07.2026. The Government Resolution dated 01.08.2019, prescribes the procedure and eligibility criteria for promotion to the posts of Extension Officer, Cluster Head and Headmaster. The select list prepared as per the said Government Resolution starts from 01st September to 31st August, and the eligibility is required to be determined as on 01st September.

01.09.2025 is the relevant cut-off date for the select list for the year 2025-2026. The petitioners have acquired the requisite TET qualification before the said cut-off date. Therefore, the petitioners are eligible and entitled to be considered for the promotion.

3. On the basis of the decision of the Hon'ble Apex Court in ***Anjuman Ishaat-e-Taleem Trust vs. State of Maharashtra and Others***, reported in 2025 SCC Online SC 1912, this Court has taken a similar view in ***Sanju Bhavsingh Rathod and Others vs. The State of Maharashtra and Others*** in Writ Petition No.2771 of 2026, ***Javid Khan Salimuddin Khan and Others vs. The State of Maharashtra and Others*** in Writ Petition No.2785 of 2026 and ***Sangram Padmakar Shirsat and Others vs. The State of Maharashtra and Others*** in Writ Petition No.6391 of 2026 alongwith connected petition, and held that the candidates acquiring the TET qualification after 01.09.2025 could not be considered for promotion for the select list of the year 2025-2026. This view is approved by the Hon'ble Apex Court by order dated 08.06.2026 in SLP (Civil) Diary No.31533 of 2026.

4. It is the case of the petitioners that they are eligible to be considered for promotion as they have acquired the TET qualification as on 01.09.2025. The respondent/ Government has issued the impugned Government Resolution only with a view to accommodate the persons who have passed the said examination/s, after the said cut-off date i.e., 01.09.2025.

5. Prima-facie, we find force in the submission of the petitioners and we are of the view that the Clause 4 (A) of the said Government Resolution, is contrary to the decision of this Court and the Hon'ble Apex Court.

6. The challenge raised to the said Government Resolution is also pending before the Nagpur Bench of this Court.

7. In this view of the matter, we are prima-facie convinced that Clause 4(A) of the said Government Resolution is unsustainable in the light of the authoritative pronouncements of the Hon'ble Apex Court as well as this Court.

8. In the light of above, there shall be Ad-interim stay to the Clause 4 (A) of the said Government Resolution.

9. Pending hearing and final disposal of these Writ Petitions, the State and respective Zilla Parishads may proceed to give provisional promotions to the candidates who are eligible on the cut-off date i.e., on 01.09.2025, for the year 2025-2026.

10. Taking into consideration the fact that respondents have already granted promotions to the persons who were not in the zone of consideration as on 01.09.2025, we direct the respondents to grant provisional promotion to the petitioners within a period of four (04) weeks from today.

11. It is made clear that the inter-se seniority of candidates will be decided after the decision of these Writ Petitions.

12. Respondents are put to notice that the matter will appear before the Full Bench of Principal Seat on the next date. Registry to transfer the matters to the Principal Seat.

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

Narwade