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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.15509 OF 2025

1. Rajasthani Education Society,  
Nanded, Tq. & Dist. Nanded,  
Through : its Secretary.
2. The Head Master,  
Adarsh Vidyalaya Primary School,  
Tilaknagar, Nanded,  
Tq. & Dist. Nanded.
3. Sandhya Balajirao Newle,  
Age – 35 years, Occu. Asst. Teacher,  
Adarsh Vidyalay Primary School,  
Tilaknagar, Nanded, Tq. & Dist.Nanded. ... Petitioners

Versus

1. State of Maharashtra  
Through its Secretary,  
School Education Department,  
Mantralaya, Mumbai.
2. Regional Deputy Directory of Education,  
Latur Region, Latur.
3. Education Officer (Primary),  
Zilla Parishad, Nanded. ... Respondents

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Mr. Manish P. Tripathi, Advocate for Petitioners

Mr. S.B. Narwade, AGP for Respondent No.1

Ms. Megha Mali, Advocate h/f Ms. YYogita Thorat, Advocate for  
Respondent No.3

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CORAM : SMT. VIBHA KANKANWADI AND  
HITEN S. VENEGAVKAR, JJ.

DATE : 20 JANUARY, 2026

**PER COURT :-**

1. The present Petition is filed for following reliefs:-

*“B) The impugned order dated 11.11.2025 issued by Resp. No.2 Regional Deputy Director of Education Latur, and order dated 30.07.2025 issued by Resp. No.3, Education Officer (Primary) Zilla Parishad Nanded, may kindly be quashed and set aside and Respondents may kindly be directed to grant approval to the services of Petitioner No.3 as Shikshan Sevak.”*

2. Heard learned Advocate for the petitioners, learned AGP for the State and the learned Advocate appearing for respondent No.3.

3. Learned Advocate for the petitioners submits that vide appointment order dated 25<sup>th</sup> June 2025, the petitioner No.3 came to be appointed as *Shikshan Sevak* in petitioner No.2 school, which is run by petitioner No.1- Rajasthani Education Society. Petitioner No.1 is the minority institution under Article 30 of the Constitution of India and accordingly it has right to appoint the employees of its choice. The petitioner No.3 came to be appointed by petitioners No.1 and 2, by following due procedure of law.

4. Petitioners No.1 and 2 moved proposal dated 26.06.2025 before respondent No.3 – the Education Officer and thereby sought approval to the appointment of the petitioner, however, it came to be rejected by impugned order dated 30<sup>th</sup> July 2025, issued by respondent No.3, on

the sole ground that the petitioner is not possessing TET qualification. Upon aforesaid rejection, an application was submitted before Grievance Redressal Committee, requesting for granting approval to the post of petitioner. The said Grievance Committee is constituted as per Government Resolution dated 27<sup>th</sup> March 2024 and the same is headed by the Deputy Director of Education, Latur for Latur region. Respondent No.2, by order dated 11<sup>th</sup> November 2025, affirmed the decision taken by respondent No.3. Though Grievance Committee is constituted for deciding the grievances regarding approval, vide Government Resolution dated 27<sup>th</sup> March 2024, the said constitution of Grievance Committee was challenged and the same is referred to Larger Bench by the Hon'ble Division Bench at Nagpur vide order dated 19<sup>th</sup> December 2024, passed in *Shri Agrasen Shikshan Sanstha, Gondia and others vs. State of Maharashtra and others*, Writ Petition No.8322 of 2023.

5. Learned Advocate for the petitioner relies on the recent decision of Hon'ble Apex Court in *Anjuman Ishaat-E-Taleem Trust vs. the State of Maharashtra and Others, 2025 LiveLaw (SC) 861*, wherein for all other institutions, the qualification of the teacher would be successful completion of TET examination was upheld, however, as regards the minority institutions are concerned, the reference has been made to the Larger Bench. In fact, it was on the basis of the doubt expressed as to

whether the decision in *Pramati Educational and Cultural Trust vs. Union of India, (2014) 8 SCC 1*, has been correctly decided in respect of the exemption of the application of the Right of Children to Free and Compulsory Education Act, 2009, (*in short, "RTE Act"*), to minority schools whether aided or un-aided, falling under Clause 1 of Article 30 of the Constitution of India.

6. When the reference is still pending, there ought not to have been rejection and further it was specifically observed in the said decision by the Hon'ble Supreme Court that till the reference is decided, there shall be exemption of the schools, which are by minority, whether religious or linguistic, from the provisions of the RTE Act.

7. The learned Advocate for the petitioner further relies on the decision in *Sadaf Immamoddin Masood vs. the State of Maharashtra and Others*; Writ Petition No.6894 of 2023, decided on 02.11.2023, *Ekta Education Society and Others vs. the State of Maharashtra and another*; Writ Petition No.3755 of 2023, decided on 12.03.2024, *Zakir Husain Marathi Primary School Mukund Nagar, through Rehman Shafi Kazi vs. the State of Maharashtra and Others*; Writ Petition No. 8891 of 2018, decided on 29.08.2019, wherein the question of applicability of TET Examination to the minority institutions was considered.

8. The learned AGP contends that the factual situation is stated in the impugned orders, which are in consonance with the Government Resolutions.

9. The fact, which cannot be ignored, is that petitioner No.1 is a minority society in view of the certificate issued by the State Government in its Minorities Development Department, dated 11<sup>th</sup> September 2024. Petitioner No.2 school is run by petitioner No.1 society.

10. The advertisement for the post appears to have been issued and then after following the procedure, petitioner came to be appointed. In the impugned order, the only objection was in respect of TET examination, as it was found that the petitioner had not passed TET examination. Now, there is a decision wherein there is a clarity given regarding applicability of RTE Act and the TET qualification in ***Anjuman Ishaat-E-Taleem Trust vs. the State of Maharashtra and Others, (supra)***.

Paragraph No. 214 of the decision is very much clear which runs thus :-

*“214. Per the detailed discussions above and resting on the same, we hold that the provisions of the RTE Act have to be complied with by all schools as defined in Section 2(n) of the RTE Act except the schools established and administered by the minority – whether religious or linguistic – till such time the reference is decided and subject to the answers to the questions formulated above under section VII. Logically, it would follow that in-service teachers (irrespective of the length of their service) would also be required to qualify the TET to continue in service.”*

11. Therefore, till the reference is decided, the provisions of RTE Act are required to be complied with by all the schools as defined in Section 2(n) of the RTE Act, except the schools established and administered by the minority. The said reason quoted in the impugned communications/orders cannot be said to be a justifiable ground for rejection.

12. In view of the above circumstances, the Writ Petition stands partly allowed. The impugned orders dated 30<sup>th</sup> July 2025 and 11<sup>th</sup> November 2025, are hereby quashed and set aside.

13. We direct respondent No.3 to consider the proposal forwarded by petitioners No.1 and 2 in respect of appointment of petitioner, without insisting on TET qualification, in view of *Anjuman Ishaat-E-Taleem Trust vs. the State of Maharashtra and Others, (supra)*.

14. Such decision to be taken by respondent No.3 within a period of one month from today.

[ HITEN S. VENEGAVKAR ]  
JUDGE

[ SMT. VIBHA KANKANWADI ]  
JUDGE