



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1522 OF 2026

Shri Nagnath s/o Sambhaji Dhulekar .. Petitioner

versus

The State of Maharashtra & others .. Respondents

Mr. V. S. Panpatte, Advocate for the Petitioner.

Mr. S. B. Pulkundwar, AGP for the State.

CORAM : SMT VIBHA KANKANWADI

& HITEN S VENEGAVKAR, JJ.

RESERVED ON : 18th MARCH, 2026.

PRONOUNCED ON : 10th APRIL, 2026.

PER COURT :

1. Present petition has been filed to challenge the impugned order dated 24.03.2025 passed by Respondent No. 3 thereby rejecting the proposal for approval to the appointment of the Petitioner as Shikshan Sewak with effect from 10.06.2019 to 09.06.2022 and thereafter as Assistant Teacher in regular pay scale from 10.06.2022.

2. Learned Advocate for the Petitioner has taken us through the documents and submitted that the Petitioner is the employee working with Respondent Nos. 5 and 6. He possessed qualification of M.A. D.Ed. B.Ed. (English/Geography subject) and belongs to Nomadic Tribe category. In view of the vacancy of the teachers had fallen,

Respondent No. 6 had published advertisement on 24.04.2019 and 25.04.2019 in daily newspaper "Ajanta Express" and "Mahasagar". The post that was fallen vacant was for teaching English/Geography subject for 9th and 10th standards in Respondent No. 6 – school. After the due procedure of interview, Respondent No. 5 passed a resolution on 07.06.2019 to appoint the Petitioner from open category as the post shown in the roaster was to that effect on 15.02.2019. The appointment order was issued to the Petitioner on 10.06.2019 and he took charge on that day. The Petitioner was given assignment to teach 9th and 10th standards. Thereafter proposal was submitted by Respondent No. 6 on 07.11.2019 to Respondent No. 3 seeking approval to the appointment of the Petitioner. After a considerable long time of 1 year 1 month and 8 days, the proposal came to be rejected on 14.12.2020 on the ground that the appointment of the Petitioner is not through Pavitra Portal. The Petitioner had preferred Writ Petition No. 13419/2021 before this Court. By order dated 13.08.2024, said petition came to be partly allowed. The matter was relegated to Respondent No. 3 to consider the proposal afresh with a direction that it shall not be rejected on the selfsame ground mentioned in the impugned order. Now, after a gap, Respondent No. 3 has once again rejected the proposal on six different grounds. No

opportunity was given either to the Petitioner or to the management to give their statement or explanation.

3. Learned Advocate for the Petitioner has then relied on the decision in case of Jayshree d/o Anil Kadam and others vs. The State of Maharashtra & others, **Writ Petition No. 11311/2019** decided on 28.12.2024 wherein the point of not possessing TET qualification and Pavitra Portal was considered. He further relied on judgment in case of Dnyan Vikas Mandal vs. Parashram s/o Laxman Lokhande & others, **1991 BCI 2** wherein it has been held that the requirement of publishing notice in two newspapers is directory and not mandatory.

4. Learned AGP sought accommodation to file detailed affidavit-in-reply however, he relied on the order in case of The State of Maharashtra & others vs. Shaikh Jaweria Khadarsab & others, **Special Leave Petition (Civil) Diary No(s). 10549/2025** dated 07.10.2025, wherein the data regarding TET examination was produced before the Hon'ble Supreme Court wherein it is stated that the results were declared on 01.03.2018 wherein about 1,71,348 candidates had appeared, however, no selection could be effected through Pavitra Portal in the year 2017. Here, the appointment of the Petitioner is of the subsequent date and the Petitioner is not

qualified teacher as TET examination is compulsory in view of judgment in case of Anjuman Ishaat-e-Taleem Trust v. The State of Maharashtra & others, **2025 LiveLaw (SC) 861** as recently held by the Hon'ble Supreme Court.

5. Here, prima facie observation can be made that though this Court, while disposing of the earlier Writ Petition filed by the Petitioner had observed that the rejection should not be on the point of Pavitra Portal, yet, it was the duty of Respondent No. 3 to give an opportunity to the Petitioner as well as the management if there are deficiencies in the documents. Now, as per Respondent No. 3, one of the grounds for rejection is that the Petitioner is not qualified teacher as he has not cleared TET examination to which the Petitioner is coming with a case that his appointment was for 9th and 10th standards and TET examination is compulsory as per the Right to Education Act i.e. for secondary school. Now, this factual aspect could have been gone into by Respondent No. 3 by giving an opportunity to the Petitioner as well as the Respondent/management. The other reason could have also been explained and documents to that effect could have been produced by the management. Only for such defects, the proposal ought not to

have been rejected. Therefore, we are of the opinion that one more chance is required to be given to the Petitioner as well as the Respondent/management and the school to clear the defects, if any. If still they fail, then Respondent No. 3 would be at liberty to pass appropriate order.

6. With these observations, we partly allow the petition. The impugned order dated 24.03.2025 passed by Respondent No. 3 is hereby quashed and set aside. Respondent Nos. 5 and 6 should submit a fresh proposal to Respondent No. 3 in respect of appointment of the Petitioner by clearing all the defects those are mentioned in the impugned order dated 24.03.2025 within a period of 15 days from today. After receipt of the said proposal, Respondent No. 3 to proceed to decide the said proposal by giving an opportunity to the Petitioner as well as Respondent Nos. 5 and 6 for placing their case and documents, if any, apart from the proposal and then take a final decision within a period of 8 weeks thereafter.

(HITEN S. VENEGAVKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

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