



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

945 WRIT PETITION NO. 2401 OF 2026

Hindustani Education Society AUSA
Through Its Secretary & others

....Petitioners

VERSUS

The State of Maharashtra & others

.....Respondents

Mr. Shaikh Tarek Mobin H., Advocate for the Petitioners.

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

Mr. S. B. Ghute, Advocate for Respondent No. 3.

**CORAM : SMT VIBHA KANKANWADI
& HITEN S VENEGAVKAR, JJ.**

DATE : 6th MARCH, 2026.

PER COURT :

1. Present petition has been filed challenging communication dated 01.12.2023, issued by Respondent No. 3 in respect of grant of approval to the appointment of Petitioner No. 3 to the extent of the date of the approval.

2. Heard learned Advocates for respective sides.

3. The Petitioners have come with a case that Petitioner No. 3 came to be appointed on 01.07.2020 by Petitioner Nos. 1 and 2 after following due procedure of law. Petitioner No. 1 is a minority

institution. Petitioner No. 3 has cleared TET examination on 03.03.2023. The proposal for approval of appointment of Petitioner No. 3 was moved by Petitioner No. 2 on 01.06.2023. Approval to the appointment of Petitioner No. 3 has been granted however, it is from the date of passing TET Examination and not from the date of the appointment.

4. Learned Advocate for the Petitioner submits that since Petitioner No. 1 is a minority institution, passing CTET or TET examination was not compulsory earlier. However, now, the said point is pending before the Hon'ble Apex Court and it has been referred to the Larger Bench in case of Anjuman Ishaat-E-Taleem Trust vs. the State of Maharashtra & others, **2025 LiveLaw (SC) 861**. In the present case, the Petitioner has passed TET examination. Under such circumstances, the approval ought to have been granted from the date of appointment of the Petitioner.

5. Learned Advocate for Respondent No. 3 supports the order.

6. Here, the fact is not in dispute that Petitioner No. 1 is a minority institution and the point as to whether TET examination or

CTET examination is compulsory for the teachers in minority institution has been referred to the Larger Bench. Here infact, Petitioner No. 3 has cleared TET examination. Under such circumstances, approval to the appointment of Petitioner No. 3 should be from the date of appointment and the date of clearing TET examination cannot be a criteria. Hence, the impugned order deserves to be set aside.

7. In the result, we allow the petition. Impugned order dated 01.12.2023 issued by Respondent No. 3 stands set aside to the extent of approval date i.e. 03.03.2023 mentioned in the order. Respondent No. 3 is directed to issue fresh approval order approving appointment of Petitioner No. 3 from 01.07.2020. Such order be issued within a period of 15 days from today.

(HITEN S. VENEGAVKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

dyb