



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2547 OF 2026

District : Jalgaon

1. Rajendra S/o Kashinath Pare,
Age. 53 Years, Occu.: Service,
A/p. Z.P. Borkheda, Chopda,
Tq. Chopda, Dist. Jalgaon.
2. Prakash S/o Shahadu Mali,
Age. 53 Years, Occu.: Service,
A/p. Z.P. School, Malpimpri,
Tq. Jamner, Dist. Jalgaon.
3. Vikas S/o Bhaskar Patil,
Age. 54 Years, Occu.: Service,
A/p. Z.P. Upper Primary School,
Sangavi, Tq. Chalisgaon, Dist. Jalgaon.
4. Smt. Vandana Jibhau Patil,
Age. 54 Years, Occu.: Service,
A/p. Z.P. Upper Primary School, Ozar,
Tq. Chalisgaon, Dist. Jalgaon.
5. Bhagwan S/o Ashru Jadhav,
Age. 55 Years, Occu.: Service,
A/p. Kurha (Kakoda),
Tq. Muktainagar, Dist. Jalgaon.

..Petitioners

Vs.

1. The State of Maharashtra,
Through its Secretary,
School Education & Sports Department,
Mantralaya, Mumbai 400 032.
2. The State of Maharashtra,
Through it secretary,

Rural Development &
Water Conservation Department,
Mantralaya, Mumbai - 400 032.

3. The Director of Education (Primary),
Maharashtra State, Pune
4. The Chief Executive Officer,
Zilla Parishad, Jalgaon,
Tq. & Dist. Jalgaon.
5. The Education Officer (Primary),
Zilla Parishad, Jalgaon,
Tq. & Dist. Jalgaon.

..Respondents

Mr.S.K.Mathpati, Advocate for petitioners
Mr.S.B.Narwade, AGP for respondent nos.1 to 3
Mr.S.R.Dheple, Advocate for respondent nos.4 and 5

**CORAM : SMT.VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.
DATE : APRIL 23, 2026**

ORDER (Per Ajit B. Kadethankar, J) :-

Heard learned counsel for the parties with their consent
for final disposal of the Writ Petition.

2. The Petitioners have put forth the following prayers :-

(A) To quash & set aside stay order dated 26.09.2025 passed by the Resp. No. 5 & cancellation of promotion impugned order dated 29.09.2025 passed by the Resp. No. 4 thereby, the promotion order dated 25.09.2025 has been cancelled by issuing Writ of Certiorari or Mandamus or any other appropriate Writ order as the case may be.

(B) To quash & set aside the impugned communication order dated 19.01.2026 passed by the

Resp. No. 1 by issuing Writ of Certiorari, Mandamus or any other appropriate writ, order as the case may be.

(C) The Resp. No. 4 & 5 may kindly be direct to restore the common promotion order dated 25.09.2025 subject to acquisition of minimum qualification of TET within 2 years from the promotion order by issuing writ of Mandamus.

(D) To hold & declare that, TET/CTET qualification is not mandatory to those teachers who are appointed prior to 13.02.2013 by issuing writ of Certiorari Mandamus any other appropriate Writ or Order as the case may be.

(E) By granting ad-interim relief the Resp. No. 4 & 5 or any other subordinate officers may kindly be direct to include the names of the petitioners in the consideration list of promotional posts of Graded Head Master (Primary) though they are not passed TET qualification subject to acquisition of minimum qualification within 2 years/ subject to outcome result of this Writ Petition.

(F) Ad- interim relief may kindly be granted in terms of prayer clause "E".

3. Subject-matter:-

This is a case of such Assistant Teachers who have not cleared the Teachers' Eligibility Test ("TET" for brevity), and hence they are excluded from being considered for promotion to the post of Head Master in the Zilla Parishad schools. The Petitioners object to have been wrongfully applied the law laid down by the Honorable Supreme Court in the case of **Anjuman Ishaat-E-Taleem Trust Vs. State of Maharashtra and ors. (2025 SCC Online SC 1912)**.

4. Facts in brief

4.1 The Petitioners are working as Assistant Teachers in the Zilla Parishad schools even since prior to the enactment of the Right of Children to Free and Compulsory Education Act, 2009. (hereinafter “the Act” for brevity).

4.2 During the course of their employment, the Petitioners completed their graduation and they are identified as ‘Trained Graduate Teachers’ for which a separate seniority list is also prepared.

4.3 The Zilla Parishad authorities sought to fill in the posts of Head Masters (Primary) in the Zilla Parishad schools, and hence issued instructions to the Block Education Officers to prepare provisional lists of the eligible candidates. The Petitioners were enlisted in the provisional list, and were called upon for Counselling purpose by the Zilla Parishad authorities.

4.4 The Zilla Parishad authorities issued promotion orders to some of the candidates who were called for the Counselling and names of some candidates were deferred for certain time. Later, such other candidates were also called for the Counselling.

4.5 The Zilla Parishad authorities also called the eligible teachers for promotion to the posts of Extension Officer (Education) Class III Grade III and Cluster Chief (केंद्रप्रमुख).

4.6 Subsequently, on 25-09-2025 the orders promoting the Petitioners were issued. However, vide subsequent order dated 26-09-2025 the Respondent no. 5 instructed the Block Education Officer, Panchayat Samiti, Raver, not to relieve the Petitioners from their existing posts for joining the promotional post. Later on 29-09-2025, the Petitioners' promotion orders came to be cancelled by the Zilla Parishad authorities. These cancellations were in the light of the Judgment and Order passed by the Honorable Supreme Court on 01-09-2025 in the case of **Anjuman Ishaat-E-Taleem Trust (Supra)**.

4.7 Following some other Writ Petitions filed by other candidates, the Petitioners have filed present Writ Petition seeking the prayers as reproduced above.

5. Submissions and consideration:

5.1 Mr. Mathpati, learned advocate for the Petitioners would invite our attention to the paragraph Nos. 20 and 21 of the Writ Petition. He would submit that the respondent authorities considered those candidates who cleared TET/CTET, as the case may be, for the

promotional posts. His grievance is that merely because the Petitioners have not passed those examinations, they can not be deprived of the promotion. He relies upon the service condition rules pertaining to the Zilla Parishad employees in the State of Maharashtra.

5.2 Mr. Dheple, learned counsel representing the Zilla Parishad authorities as also Mr. Narwade, learned Assistant Government Pleader apprise us of an order passed by this Court on 10-04-2026 in Writ Petition no.2771 of 2026 with connected matters (Sanju Rathod & ors. Vs. State and ors.). For the sake of convenience, paragraph No.10 onward are reproduced for ready reference as follows:-

“ 10. Here, we are basically required to consider the ratio laid down in Anjuman Ishaat-E-Taleem Trust (Supra) and whether the petitioners can be said to be entitled to be considered for the promotion. Even in the interim order, on which now the learned Advocate for the petitioners is relying, we had observed that those teachers who had cleared the TET would be considered for promotion. So as of right the petitioners’ cannot seek any interim protection. We would consider the point ‘ J ’ of the decision in Anjuman Ishaat-E-Taleem Trust (Supra) i.e. applicability of the TET to in service teachers appointed prior to 2009 and requirement of the TET qualification for promotion of teachers. Paragraph Nos.164 to 170 of the aforesaid judgment discuss the aspect and especially in paragraph No.170, it has been observed thus :-

“170. As a logical corollary to the above, it is axiomatic that those in-service teachers who aspire for promotion, irrespective of the length of their service, have to qualify the TET in order to be eligible to have their candidature considered for promotion.”

11. We are also taking note of paragraph Nos.216 to 218 of the aforesaid judgment, which read thus :-

“216. Bearing in mind their predicament, we invoke our powers Under Article 142 of the Constitution of India and direct that those teachers who have less than five years' service left, as on date, may continue in service till they attain the age of superannuation without qualifying the TET. However, we make it clear that if any such teacher (having less than five years' service left) aspires for promotion, he will not be considered eligible without he/she having qualified the TET.

217. Insofar as in-service teachers recruited prior to enactment of the RTE Act and having more than 5 years to retire on superannuation are concerned, they shall be under an obligation to qualify the TET within 2 years from date in order to continue in service. If any of such teachers fail to qualify the TET within the time that we have allowed, they shall have to quit service. They may be compulsorily retired; and paid whatever terminal benefits they are entitled to. We add a rider that to qualify for the terminal benefits, such teachers must have put in the qualifying period of service, in accordance with the rules. If any teacher has not put in the qualifying service and there is some deficiency, his/her case may be considered by the appropriate department in the Government upon a representation being made by him/her.

218. Subject to what we have said above, it is reiterated that those aspiring for appointment and those in-service teachers aspiring for appointment by promotion must, however, qualify the TET; or else, they would have no right of consideration of their candidature.

12. Paragraph No.170 of the decision in Anjuman Ishaat-E-Taleem Trust (Supra) is crystallizing the right, yet if we read paragraph Nos.216 and 218 conjointly, then it can be seen that it has been laid down that those teachers, who have less than five years left as on date (that means on 01.09.2025 when the decision came) may continue in service, till they attain the age of superannuation without qualifying the TET, however, those teachers having left less than five years, if aspire promotion, then without qualifying TET, he or she will not be considered and then paragraph No.218 reiterates that those in-service teachers aspiring for appointment by promotion should qualify TET and this date will have to be taken as 01.09.2025, when Hon'ble Supreme Court pronounced the judgment.

13. Admittedly, the petitioners were not qualified TET or CTET on 01.09.2025. As per the submissions on behalf of learned Advocate for the petitioners, their results of CTET have been declared today and they have passed. Certainly, at least for this year, they will not be considered for promotion taking into consideration these facts.

14. Learned Advocate for the petitioners has tried to submit that respondent/authorities have hurriedly proceeded to prepare seniority list and also published a temporary list of promotion with the condition that the said promotion, that is granted, is temporary and if any problem as regards seniority or Court matter arises, then the promoted candidates can be reverted. Here, we do not want to go into the said list for the simple reason that as aforesaid in view of Anjuman Ishaat-E-Taleem Trust (Supra) and the fact that the petitioners had not cleared TET or CTET on

01.09.2025, they are not entitled to be promoted this year. In view of the same, the Writ Petition Nos.2771 of 2026, 2752 of 2026 and 1956 of 2026 stand dismissed.”

5.3 We find that the Petitioners’ case is squarely covered by the order passed by this Court in **Sanju Rathod’s** case (supra). The respondents - authorities have issued the impugned orders in the light of the law laid down by the Honorable Supreme Court in the case of **Anjuman Ishaat-E-Taleem Trust** (supra). Those are binding in its full force on the Petitioners and the Zilla Parishad authorities in the State.

5.4 Mr. Mathpati, learned advocate for the Petitioners would submit that since the Petitioners’ promotion process was initiated prior to the decision in **Anjuman Ishaat-E-Taleem Trust** case (supra), they are not hit by the said law.

5.5 We do not subscribe to such logic applied by the Petitioners. The judgment in the case of **Anjuman Ishaat-E-Taleem Trust** (supra) is passed pursuant to the controversy arisen in implementation of the RTE Act. The petitioners’ services are prevailed over by the RTE Act. The reason offered by the Petitioners to exclude themselves from the observations of the Hon’ble Supreme Court in the case of **Anjuman Ishaat-E-Taleem Trust** (supra), can

not be accepted. We have already dealt with such objection and accordingly we passed the order in **Sanju Rathod's** case (supra), and no case is made out by the petitioners for us to deviate from our earlier decision.

5.6 The respondents - authorities cannot be said to have faulted in passing the impugned order cancelling the Petitioners' promotions.

5.7 In view of the above, we are not inclined to interfere into the impugned order.

6. Hence following order:-

- (i) The Writ Petition stands dismissed.
- (ii) No costs.

[AJIT B. KADETHANKAR, J.]

[SMT.VIBHA KANKANWADI, J.]

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