



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2771 OF 2026
WITH
CIVIL APPLICATION NO.3409 OF 2026
IN WP/2771/2026

1. Sanju Bhavsing Rathod
2. Nitin Vasudeo Dhande
3. Sunita Bhaidas Pawar
4. Khalil Fattu Tadavi
5. Suryaprakash Bapurao Baviskar
6. Omprakash Motiram Patil
7. Sunil Bhiva Jadhav
8. Rajendra Ramdas Pimpalse
9. Shravan Motiram Dudhe
10. Pranita Mohan Pardeshi
11. Sanjeev Bapu Wagh
12. Sunil Ramdas Mahajan
13. Rajiv Haribhau Wankhede
14. Subhash Pandit Chimankare
15. Sunita Supdu Jadhav
16. Devidas Pundalik Borse
17. Dattatraya Raghunath Khairnar
18. Sunil Shivaji Mahajan
19. Abdul Aijaj Abdul Rauf Bagwan

.. Petitioners

Versus

1. The State of Maharashtra
Through its Principal Secretary
School Education and Sports Department,
Mantralaya, Mumbai-32.
2. The Director of Education,
Pune Division, Pune.
3. The Chief Executive Officer,
Zilla Parishad, Jalgaon.
4. The Education Officer (Primary),
Zilla Parishad, Jalgaon.

.. Respondents

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WITH
WRIT PETITION NO.2752 OF 2026
WITH
CIVIL APPLICATION NO.3411 OF 2026
IN WP/2752/2026

1. Dhanraj Vasant Badage,
2. Rushikesh Gangaram Patil,
3. Jyoti Shivaji Sathe
4. Vinod Eknath Patil
5. Anil Ramdas Patil,
6. Kishor Purushottam Patil,
7. Jyoti Satish Tadke @Jyoti Manikrao Patil
8. Yogini Sharad Sonawane,
9. Ragini Sharad Sonawane
10. Shivaji Ramdas Sathe
11. Mahendra Sahebrao Patil
12. Sanjiv Sitaram Shete
13. Gopal Rajaram Pawar,
14. Suman Onkar Pardeshi,
15. Shubhangi Mangesh Bhoite,
16. Vijay Kallu Pawar,
17. Sindhu Harsing Rathod,
18. Prabhakar Madhukar Bonde,
19. Gajanan Ramkrishna Bavskar,
20. Mahesh Yuvaraj More,
21. Jagdish Jayprakash Shelake
22. Shrikrishna Narayan Patil
23. Gangadhar Madhav Bori,
@Gangaram Mahadu Bodakhe
24. Suvarna Subhash Avhad
25. Pratibha Sudhakar Chaudhari
@Pratibha Rajaram Borole
26. Sachinkumar Prabhakar Ahirrao
27. Jaiprakash Raghunath Chaudhari,
28. Prabhabai Sarjerao Patil,
29. Sushma Namdeo Deore @Sushama Baliram Mahajan
30. Sangeeta Omprakash Thete,
31. Sangita Shivaji Patil
32. Rajendra Sahebrao Patil,
33. Shyamkant Kashinath Rule
34. Sanjay Dhansing Koli,
35. Sunil Ramdas Adhagale,
36. Pradeep Bhaurao Wagh,

37. Samadhan Jivram Sawale,
38. Avinash Hari Deore
39. Dnyaneshwar Ramrao Salunkhe
40. Dnyaneshwar Tukaram Mali
41. Vishwas Himmatrao Patil,
42. Subhash Santosh Desale,
43. Vyankat Sandu Borase,
44. Syed Zahiruddin Syed Tamizuddin
45. Pandurang Jagannath Chaudhari,
46. Ajabsing Sonusing Patil
47. Vijay Kashinath Bagul
48. Arun Dayaram Patil,
49. Kirti Vijaysingh Rajput
50. Vilas Bhaskar Patil,
51. Vikas Pitambar Patil,
52. Jayashri Vasant Chaudhari
53. Jitsing Lakhichand Pardeshi,
54. Dipak Patingrao Patil,
55. Bapu Shravan Salunke
56. Khushal Shriram Sardar,
57. Ravindra Motilal Shinde
58. Ganesh Yashwant Koli,
59. Harish Wamanrao Patil,
60. Devaji Atmaram Patil
61. Sunil Motilal Chaudhari,
62. Lalit Nivrutti Patil,
63. Laxmi Sandu Tambe
64. 64. Asha Shankar Wankhede,
65. Bhagwan Tryambak More,
66. Shaikh Haneef Shaikh Rasheed,
67. Mohammad Mukhtar Mohammad Shafi
68. Raees Khan Subhan Khan
69. Ismail Suleman Shaikh,
70. Syed Kareem Syed Mohammad Ali,
71. Sudarshana Dilip Sonwane,
72. Premlata Sahebrao Kosode
73. Sunil Dattu Patil,
74. Shrikant Ramesh Patil
75. Gajanan Sadashiv Kothale,
76. Nana Rajaram Dhangar,
77. Bhagwan Namdeo Warade,
78. Mohan Fakira Renuke,
79. Sharda Ambadas Shimpi,
80. Vijay Vasantrao Patil,
81. Pannalal Namdev Koli

.. Petitioners

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
School Education and Sports Department,
Mantralaya, Mumbai -32.
2. The Director of Education,
Pune Division, Pune.
3. The Chief Executive officer,
Zilla Parishad, Jalgaon.
4. The Education officer (Primary),
Zilla Parishad, Jalgaon.

.. Respondents

...

WITH

WRIT PETITION NO.1956 OF 2026

1. Dhansing Ramsing Rajput
2. Shivdas Pavji Lavange
3. Kishor Bhaurao Patil
4. Jitendra Subhash Patil
5. Subhash Sukdeo Mali
6. Himmat Onkar Chaudhari
7. Ankush Ramdas Chinchole
8. Sanjeev Shivaji Sapkal
9. Vinod Narayan Patil
10. Sunil Indalsing Pardeshi
11. Vishnu Laxman Gujar
12. Rajashri Dadaji Khairnar
13. Bhushan Gangadhar Chaudhari
14. Gopal Rajaram Patil
15. Prakash Shadu Mali,
16. Nivrutti Panditrao Johare
17. Tushar Bandu Patil,
18. Avadhut Keshavrao Jadhav

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

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WITH

CIVIL APPLICATION NO.3090 OF 2026
IN WP/1956/2026

Ravindra Eknath Bakhal and others

.. Applicants

Versus

Dhansing Ramsing Rajput and others

.. Respondents

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Mr. Bharat Doifode, Advocate for applicants in Civil Application No.3409 of 2026 and for petitioners in Writ Petition No.2771 of 2026

Mr. Rahul Shinde and Mr. Bharat Doifode, Advocate for the applicants in Civil Application No.3411 of 2026 and for petitioners in Writ Petition No.2752 of 2026 and Writ Petition No.1956 of 2026.

Mr. Abhijeet M. Phule, Mr. R. S. Wani and Ms. N. B. Kamble, AGPs for respondents/State in respective applications/petitions.

Mr. S. B. Pulkundwar h/f Mr. S. R. Dheple, Advocate for Zilla Parishad, Jalgaon in respective applications/petitions.

Mr. B. S. Shinde, Advocate for applicants in Civil Application No.3090 of 2026.

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

**RESERVED ON : 23 MARCH 2026
PRONOUNCED ON : 10 APRIL 2026**

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Civil Application No.3090 of 2026 has been filed for intervention in Writ Petition No.1956 of 2026, which would be decided along with Writ Petition itself.

2. Civil Application Nos.3409 of 2026 and 3411 of 2026 have been filed by the applicants for modification of the order dated 13.03.2026. On that day, after hearing the parties, notice was issued and the respondents have been directed to file affidavit-in-reply within a period of two weeks and the

matter has been directed to be placed on 10.04.2026.

3. Heard learned Advocate Mr. Bharat Doifode for the applicants in Civil Application No.3409 of 2026 and for petitioners in Writ Petition No.2771 of 2026, learned Advocate Mr. Rahul Shinde for applicants in Civil Application No.3411 of 2026 and for petitioners in Writ Petition No.2752 of 2026 and Writ Petition No.1956 of 2026, learned AGPs Mr. A. M. Phule, Mr. R. S. Wani, Ms. N. B. Kamble for respondents/State in respective matters and learned Advocate Mr. S. B. Pulkundwar h/f Mr. S. R. Dheple for respondents/Zilla Parishad, Jalgaon in respective petitions.

4. Learned Advocates for the petitioners/applicants, after reiterating the same facts, submitted that this Court in a subsequent matter i.e. Writ Petition No.2737 of 2026 on the same day had granted interim protection in favour of the petitioners therein, who are similarly situated, however, has not passed similar order in this case in respect of granting the *status quo* in the form of not to finalize the promotion list and, therefore, present civil applications have been filed.

5. In Writ Petition No.2771 of 2026 what has been challenged is the letters dated 06.03.2026 issued by Education Officer, thereby finalizing and publishing the impugned seniority list of Extension Officer (Education) and cluster head. Further, in Writ Petition Nos.2752 of 2026 and 1956 of 2026,

what has been challenged is the letters dated 12.02.2026 issued by Chief Executive Officer, Zilla Parishad directing the Education Officer (Primary) to take prompt and proper action to complete the promotion process on the post of Extension Officer Class-2 and Class-3, Center Head, Graded Head Master, who had cleared and passed the TET examination and direct the eligible teachers to remain present on 17.02.2026 at 10.30 a.m. along with the complete proposal. It was on the basis of the data that was collected and the eligibility criteria is that those persons, who had cleared TET or CTET, should be given the said promotion of Extension Officer (Education) and cluster head. The petitioners have also appeared for TET or CTET exams and their results are awaited. The petitioners have put in the service of long tenure and in such circumstance, if they are deprived of the promotion on the ground that as on the date of list they have not passed TET or CTET, then it would be unjust for them. According to the petitioners/applicants, the action of the Zilla Parishad is *ex facie* illegal and arbitrary.

6. Learned Advocate for the respondent/Zilla Parishad vehemently submits that in view of **Anjuman Ishaat-E-Taleem Trust vs. State of Maharashtra and others, 2025 SCC OnLine SC 1912**, Hon'ble Supreme Court has made it very clear that the teachers who are teaching in the primary schools after coming into force of the RTE Act should possess the qualification of TET and for promotion it is specifically stated that those who

have cleared TET or CTET they should only be considered. As on today, the petitioners have not qualified. They say that they have appeared for the exams. After they acquire that qualification their names would be considered and, therefore, there is no necessity to modify the order that has been passed on 13.03.2026.

7. Here, it is to be noted that various petitions have been filed by the teachers contending that they have appeared for TET or CTET exams and their results are awaited, still the Zilla Parishad authorities are proceeding with the process of promotion and, therefore, their seniority would be then get affected and also the promotion chance. As per **Anjuman Ishaat-E-Taleem Trust (Supra)**, the period of two years has been granted to the teachers, who had entered the service prior to coming into force of the RTE Act, to clear the TET or CTET. We have taken note of the fact that though the process in some of the Zilla Parishads has started, the promotion list has not been finalized and, therefore, in some matters we had given directions to the Zilla Parishad authorities not to finalize the list in view of the fact that the result of the examination of the petitioners i.e. CTET is not declared. The facts in the matter are slightly different from other cases, yet broadly we can say that the effect of making TET compulsory as held in **Anjuman Ishaat-E-Taleem Trust (Supra)** for promotion will have to be then interpreted taking into consideration the facts of each matter. It is necessary to consider, in

each matter, whether, as on the date of the pronouncement of the judgment, only those candidates who had cleared TET or CTET were entitled to promotion, and in what manner the respondents are required to give effect to the said judgment. But taking into consideration the fact that the result is awaited, we thought it fit that the respondent/authorities should go ahead with the entire process, but they should not take the decision of finalizing the list of promotion till the next date. That means, till the affidavits-in-reply are filed and we hear the parties on that point, we had made said arrangement in those matters.

8. Here it is also to be noted that applicant No.1 in Civil Application No.3409 of 2026 appears to have given a letter dated 20.03.2026 to Chief Executive Officer, Zilla Parishad and we are shocked to note the language that has been used in the letter. When no such interim order was given in his matter, he ought not to have given such letter much less in a prohibitory language. Interim protection/order cannot be asked as of right. Even in case of similarly situated persons, though propriety requires that similar orders should be passed, but still it is the discretion of the Court and taking into consideration the fine difference in the facts, which may be slightest also, that has to be considered. We had heard the Civil Applications on 23.03.2026 and kept the same for orders today. However, now instead of considering the matter for interim relief we would proceed to hear the main

petitions itself.

9. As aforesaid, we have heard today the learned Advocate appearing for the petitioners on the main petitions itself at length, taking into consideration the fact that the matters were due today, though learned Advocate Mr. S. B. Pulkundwar holding for learned Advocate Mr. Dheple seeks accommodation.

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.

15. Pending Civil Applications also stand disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

LATER ON :-

. Learned Advocate for the petitioners submits that the petitioners want to approach the Hon'ble Supreme Court and, therefore, interim protection be granted, however, we are not inclined to grant the same taking into consideration the clear ratio that has been laid down in **Anjuman Ishaat-E-Taleem Trust (Supra)**.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]

scm