

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1566 OF 2024

Vijaykumari R. Yaram

Age:54 Yrs. Occ.: Services

R/at: House No.1779,

Kamlakar Nagar, 1st Cross Road,

Kochgaon, Ambernath, 421502.

....Petitioner

Versus

1. The President/Secretary,

Subhash Nagar Telugu Shikshan Mandal.

145, Subhash Nagar, Karivali, Bhiwandi,

Dist.: Thane, 421302.

2. Indira Telugu School, Bhiwandi,

Through its Headmaster, 145,

Subhash Nagar, Karivali, Bhiwandi,

Dist.: Thane 421302.

3. The Education Officer (Primary),

Thane Zilla Parishad, Jambhali Naka,

Thane West-400601.

4. Dy. Director of Education,

Jawahar Bal Bhavan, Charni Road,

Mumbai -400004.

5. The State of Maharashtra

Through its School Education and

Sport Department, Mantralaya, Mumbai.

....Respondents

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Ms. Deepali Deherkar, Advocate for the Petitioner.

Mr. Vivek N. Machha a/w. Ms. Rajni R. Dhankanthi, for Respondent Nos.1 and 2.

Mr. Ashish S. Gaikwad a/w. Mr. Anirudh R. Rote and Mr. Sagar G. Bhoir, Advocate for Respondent No.3.

Mr. P. P. Kakade, Addl. GP a/w. Mr. Aditya R. Deolekar, AGP for the Respondent No.5 – State.

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**CORAM : RAVINDRA V. GHUGE
&
ABHAY J. MANTRI, JJ.**

DATE : 18th MARCH, 2026

ORAL JUDGMENT: (PER RAVINDRA V. GHUGE, J.)

1. **Rule.** Rule made returnable forthwith and heard finally by the consent of the respective parties.

2. Accordingly to the Petitioner, Respondent No.1, School is a minority recognized school from 4th October, 1991 and started receiving 100% grant-in-aid from the State Government from 1998. She was appointed as an Assistant Teacher vide the Appointment Letter dated 6th November, 1997 w.e.f. 15th November, 1997. Approval was granted to her appointment in 2006 as ‘Shikshan Sevak’ for 3 years.

3. The Petitioner was terminated on 12th April, 2018 as an Assistant Teacher for want of approval. The School Tribunal delivered a judgment on 16th April, 2019 in Appeal No.11 of 2018

preferred by her and granted reinstatement with continuity and full back-wages. The Petitioner reiterates that the Management did not challenge the judgment of the School Tribunal and it has attained finality.

4. By the impugned order dated 11th November, 2022, the Education Officer has rejected the proposal seeking approval to the appointment of the Petitioner as an Assistant Teacher, because she does not possess TET qualification.

5. The learned Advocate for the Management has vehemently opposed this Petition contending that the Management has performed its duty with reference to the order of the Tribunal. Nothing remains to be paid to the Petitioner. If any prayer is made by the Petitioner against the Management, the Petition may be dismissed.

6. We have considered the submissions of the learned Advocates for the respective sides. The learned Advocate appearing for the Zilla Parishad prays that the Petition be dismissed with costs as the Petitioner does not have TET qualification. This submission is

adopted by the learned AGP.

7. We find that in the judgment of the Hon'ble Supreme Court in *Anjuman Ishaat-e-Taleem Trust vs. State of Maharashtra & Ors.*¹, the Hon'ble Supreme Court has issued certain directions. Based on such directions, this Court has delivered a judgment in *Sagar Dattatray Chorghe vs. State of Maharashtra & Ors.*²

8. Considering the law laid down by the Hon'ble Supreme Court in *Anjuman Ishaat-e-Taleem Trust* (supra) and followed by this Court in *Sagar Dattatray Chorghe* (supra), we have perused the relevant directions set out therein, qua the claim of the Petitioner.

9. The Petitioner is due to retire on 30th June, 2026. She is not seeking any promotional benefits or further service benefits. Admittedly, she is not TET qualified. It is undisputed that the Respondent School is a linguistic minority institution. As such, though we would not go into the aspect as to whether a linguistic minority institution can mandate TET qualification, as the said issue is still pending before the Hon'ble Supreme Court, the fact remains

1 2025 SCC OnLine SC 1912

2 2025 SCC OnLine Bom 3170

that the Petitioner has less than two years to superannuate, is not seeking any further service benefits and is not seeking promotion. As such, whether she has TET qualification or not, would not be germane to the aspect of granting approval to her appointment in the peculiar facts and circumstances of this case.

10. In view of the above, **this Petition is partly allowed.** The impugned order dated 11th November, 2022 is quashed and set aside. Respondent No.3, within a period of 15 working days from today, shall issue a formal order of granting approval to the appointment of the Petitioner as an Assistant Teacher from the day she became an Assistant Teacher.

11. The Petitioner is not TET qualified. Insofar as monetary benefits are concerned, the Petitioner was drawing Rs.1,500/- (Rs. One Thousand Five Hundred only) per month, since 2003 till today. The institution is grant-in-aid from 2009. Therefore, the Zilla Parishad shall calculate the difference of the salary paid to the Petitioner and the minimum lowest scale available to an Assistant Teacher, from 2009 till her superannuation and pay such arrears of salary within a period of 90 days from today, keeping in view that

the School was receiving salary grants from 2009. The difference of salary would be calculated in terms of the minimum pay scale available to an Assistant Teacher commensurate to the salary grants that were extended to the Management from 2009 onwards.

12. Since the Management did not have the salary grants prior to 2009, the salary pay scale at the lowest minimum pay scale available to an Assistant Teacher from 2003 to 2009, shall be paid by the Management to the Petitioner, within 60 days from today.

13. The Management shall initiate steps with regard to the submission of the salary bills (in terms of the above directions) payable through the grants, within a period of 30 days from today and insofar as the burden of payment on the Management as stated above, the Management would calculate the said pay scale/difference of salary and pay the same to the Petitioner by calculating the arrears, within 60 days from today.

14. **Rule is made partly absolute in the above terms.**

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)

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