

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6469 OF 2025

Neeta Narayan Nikate

... Petitioner

Versus

The State of Maharashtra and Others

... Respondents

VISHAL
SUBHASH
PAREKAR

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VISHAL SUBHASH
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Date: 2026.04.06
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Mr. Kisan Dhamale, Advocates for the Petitioner

Mr. S.H. Kankal, AGP for Respondent Nos. 1 to 3.

Mr. Jairam K. i/b. Mr. Sushant Prabhune, for Respondent No. 4.

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

DATE : 2nd APRIL, 2026

ORAL JUDGMENT (Per Ravindra V. Ghuge, J.)

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

2. The Petitioner has put-forth prayer clause (A) as under:-

“[A] That this honorable Court under its Civil Appellate extraordinary territorial jurisdiction under Article 226 and 227 of the Constitution of India, 1950, be pleased to call for the record and proceedings of the order dated 17/3/2025 and thus after going through the said order passed by The Respondent No.4 Education Officer (Secondary), Pune Zilla Parishad, Pune the said order being illegal and contrary to the laws same may be quashed and set aside and further proposal dated 11/12/2024 of transfer of the present Petitioner from unaided division to grant in aid division may be approved from her date of transfer

15/6/2024 and all other benefits that she is entitled may be forthwith given to her. This court be pleased to direct Res No.3 to issue shalarth ID for the salary and arrears of the petitioner No.2 after approval.”

3. We have considered the submissions of the learned counsel appearing for the parties. The short issue involved is as to whether the proposal forwarded by the Management seeking approval to the transfer of the Petitioner from the unaided post to aided establishment, suffers from any deficiency. By the impugned order dated 17th March, 2025, the Education Officer (Secondary) has pointed out a solitary deficiency of the Petitioner not having the TET qualification.

4. The objection raised by the Education Officer is well placed in view of the law laid down by the Hon’ble Supreme Court in **Anjuman Ishaat e-Taleem Trust vs. State Maharashtra and Others**¹. In the light of this judgment, this Court has also delivered a judgment in the case of **Sagar Dattatray Chorghe vs. State of Maharashtra and Others**².

5. As such, as the Petitioner has acquired a TET qualification on 16th January, 2026 the Petitioner’s claim for seeking approval to her transfer from the unaided establishment to the aided establishment is based

1 2025 SCC OnLine SC 1912.

2 2025 SCC OnLine Bom 3170.

on the declaration of her result of having cleared the TET examination. A photostat copy of the result, duly attested by the learned Advocate as a true copy, is tendered to the Court. The same is taken on record and marked as ‘X’ for identification.

6. Considering the law laid down in **Anjuman Ishaat** (supra), by which such candidates have to acquire their TET qualification within two years from the date of the judgment i.e. 1st September, 2025, we are relying upon the document ‘X’ tendered by the Petitioner, for concluding that the Petitioner has now acquired the TET qualification. Naturally, the approval to her transfer to the aided establishment would be effective from 16th January, 2026. The salary scale available to the said post under the salary grants of the State Government, would also be payable to the Petitioner with effect from 16th January, 2026.

7. In view of the above, **the Petition is partly allowed** by modifying the impugned order dated 17th March, 2025 in the above terms. The Management shall submit the salary bills of the Petitioner with effect from 16th January, 2026 up to the month of March 2026, within a period of 15 days from today, to the Education Officer. So also a proposal for seeking ‘Shalarth ID’ in order to enable payment of salary to the Petitioner,

would also be filed by the Management within 15 days from today.

8. The learned Advocate for the Management submits that compliance would be made without fail. We expect the Education Officer to pass a formal order granting approval as recorded in the foregoing paragraphs, within 15 days from today. Need less to state that the Shalarth ID shall be allocated within a period of 15 days from the date of the submission of the proposal by the Management.

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

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)