

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9422 OF 2025**

1. Vidya Pratishthan
Marathi Madhyamik School,
Regi. u/MPT Act, & Societies
Registration Act, 1860
Bearing Regi. No.F-591 (Pune)
Having its office at, Vidyanagari
Baramati, District – Pune – 413 133
Through its Chairman/Secretary
Smt. Nilimatai Vinodkumar Gujar.
2. Smt. Jadhav Varsha Santosh
Age- 34 years, occu- service,
r/a, At Po. Shivnagar, Malegaon [BK],
Tal.-Baramati, District- Pune-413116.Petitioners

Versus

1. The State of Maharashtra
Through, The Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai - 400032.
(The Notice be served upon AGP,
High Court, Mumbai)
Email:- writcellas@gmail.com
2. Education Officer (Secondary)
Z. P., Pune, Pune Zilla Parishad,
Yashwantrao Chavan Bhavan,
Oppo. Balaji Complex,
Somwar Peth, Pune-411043.
Email:- rmsapunezp@gmail.comRespondents

Mr. Shrishail Sakhare for the Petitioners.
Mr. P.P. Kakade, Addl. GP a/w. Ms. P.N. Diwan, AGP for the
Respondent – State.

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

DATE : 9th MARCH, 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 proposal tendered by the Management seeking approval to the appointment of Petitioner No.2, has not been entertained by Respondent No.2 for three reasons, which are set out in the impugned order dated 19th September, 2022. The three reasons are as under :

(a) Petitioner No.2 had not acquired the TET qualification prior to the cut-off date of 30th March, 2019.

(b) The reservation roster was not tendered.

(c) No objection for recruitment was not taken before publishing the advertisement.

3. The record reveals that Petitioner No.2 has now acquired the CTET qualification on 27th December, 2019, prior to

filing this Petition on 9th May, 2025. The reservation roster was before the Authority, as it was tendered by Petitioner No.1 Management. The Management had requested the Education Officer for permission to recruit vide communication dated 5th April, 2013. Since no response was received, the advertisement was published on 19th June, 2013 in 'Dainik Sakal' newspaper. As such, the requirement of publishing the advertisement in a widely circulated newspaper was also complied with. So also, the advertisement was published after the Education Officer did not respond to the request of the Management for 2 months.

4. A solemn statement is made, on instructions, by the learned Advocate for the Petitioners that Petitioner No.2 is not involved in the 2018/2019 TET Exam Result Scam.

5. In view of the above, we are of the view that Respondent No.2 should reconsider the proposal in light of the judgment delivered by the Hon'ble Supreme Court in *Anjuman Ishaat-e-Taleem Trust v/s. State of Maharashtra and Ors.*¹ and the judgment of this Court in *Sagar Dattatray Chorghe v/s. The State of*

¹ 2025 SCC OnLine SC 1912

Maharashtra and Ors.²

6. The learned Addl. GP fairly submits that the proposal will have to be considered in light of Petitioner No.2 having acquired the CTET qualification. The advertisement was published in a widely circulated newspaper in the State of Maharashtra and the reservation roster would also have to be re-looked into.

7. To avoid further litigation, we record that if, for any reason, the reservation roster is found to have not been strictly followed, if there occurs any backlog of reservation, the Education Officer can order the Management to clear the backlog in future appointments to be made in accordance with the law applicable. Because, Petitioner No.2 has been appointed as an Assistant Teacher in 2013 and she cannot be unsettled after a passage of 13 years. Respondent No.2 can grant approval to her appointment from the date of acquiring the CTET qualification in light of *Anjuman Ishaat-e-Taleem Trust* (supra) and *Sagar Dattatray Chorghe* (supra). All benefits of service would be made available to Petitioner No.2

² Judgment dated 11th September, 2025 delivered in Writ Petition No.7943 of 2024 and connected matter.

Teacher from the date of acquisition of the qualification.

8. In view of the above observations and directions, **this Petition is partly allowed.** The impugned order dated 19th September, 2022 is set aside in order to enable Respondent No.2 to follow the above directions and pass a fresh order within 30 days from today.

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

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)