

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.13662 OF 2025

Dattatray Sayaji Pote
Age: 53 years, Occupation Headmaster,
Address: VPS English Teaching School,
Lonavala, Taluka- Maval,
District-Pune.Petitioner

Versus

1. The State of Maharashtra
2. The Education Officer (Primary)
Pune Zilla Parishad, Pune.Respondents

Mr. Vedant Babar i/b. Mr. Rahul Kadam, Advocate for the
Petitioner.

Mr. P.P. Kakade, Addl. GP. a/w Mr. Priyanka Chavan, AGP, for the
Respondent-State.

Mr. Shreekant V. Gavand i/b. Mr. Pandurang H. Gaikwad, Advocate
for Respondent No.2-ZP Pune.

**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.
DATE : 12th FEBRUARY, 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 been working with the VPS English Teaching School, Lonavala, Taluka Maval, District Pune. The Petitioner joined as a Shikshan Sevak on 29th December, 1992. He became an Assistant Teacher thereafter. The Management called upon the Petitioner by Communication dated 25th April, 2025, to give his consent to become the Head Master (“**HM**”). The Petitioner immediately conveyed his consent. There are two more eligible teachers senior to the Petitioner, who have purportedly declined to become HM.

3. On 14th May, 2025, the Petitioner was appointed as incharge HM. By communication dated 16th May, 2025, the Management had informed the Education Officer (Primary), Zilla Parishad Pune, that since the Head Mistress Smt. Bharati Nitin Lokhande had superannuated, and the senior teachers, namely, Sandhya Yuvraj Shendge and Namrata Subhash Gaikwad, declined to be the Head Mistress, the Petitioner, at Serial No.3, was appointed as an in-charge HM, and he was given the powers to sign on behalf of the School. However, one teacher, namely, Mrs. Preeti Chudasama, raised an objection to the Petitioner’s appointment as HM.

4. The learned Advocate for Respondent No.2 Education Officer (Primary), Zilla Parishad, Pune, submits that an order has been passed on 11th February, 2026, on the proposal seeking approval to the Petitioner's appointment as HM. The proposal has been rejected on the ground that he does not have the TET qualification. Respondent No.2 has relied upon the Judgment of the Hon'ble Supreme Court in *Anjuman Ishaat-E-Taleem Trust V/s. The State of Maharashtra & Ors., [2025] 9 S.C.R. 410 : 2025 INSC 1063*.

5. It is now the law of the land that if any teacher, who has less than 5 years left for retirement, and who desires promotion, will have to acquire the TET qualification within 2 years from 1st September, 2025 which is the date of the judgment in *Anjuman Ishaat-E-Taleem Trust (supra)*. However, if a candidate has less than 5 years to retire and does not claim promotion or higher service benefits, he may not opt for the TET, and he will not be entitled to higher pay-scale or higher/further service benefits. A person who has more than 5 years to retire, notwithstanding whether he desires promotion, he will have to clear the TET within 2 years.

6. Though the Petitioner was appointed as the HM on 14th May, 2025, and is scheduled to retire on 31st May, 2030, he has less than 5 years left from today. He desires promotion as HM. He, however, does not have the TET qualification. The learned Advocate for the Petitioner submits that the Petitioner would make an attempt and would pass the TET within 2 years from 1st September, 2025, and he may be considered for promotion as HM after he acquires the TET.

7. The order rejecting the Petitioner's proposal for approval passed on 11th February, 2026, is placed before us and is marked as 'X' for identification. It is perfectly legal that unless the Petitioner does clears the TET, he cannot be promoted. The Petitioner desires to clear the TET within 2 years from 1st September, 2025, and based on such qualification, he prays for being considered for appointment as HM.

8. Be that as it may, Respondent No.2 will have to appoint a person as HM, who is eligible for such appointment. Such a candidate will have to acquire the TET qualification. The Management would be obliged to recommend the name of an

eligible candidate for appointment as HM, provided he/she has acquired the TET qualification.

9. If a person is TET qualified, he/she can be appointed as HM today. But, if there is no eligible candidate having the TET qualification, the senior-most teacher in the School will have to be appointed only as an in-charge HM, with a condition that such candidate must acquire the TET qualification within 2 years from 1st September, 2025. This condition would apply even to all other teachers, whoever desire to become an HM and acquire the TET. Amongst those comparable teachers, who do not have TET qualification, the one who acquires the TET qualification first, will naturally have to be held eligible for appointment as a regular HM, and the in-charge HM will make way.

10. We permit Respondent No.2 to direct the Management to tender a complete list of the teachers presently on its rolls, along with their qualifications. Respondent No.2 would scrutinize the list, and if there is not a single teacher with TET qualification, he would direct the Management to recommend the name of the senior-most teacher to be appointed as an in-charge HM, with the condition of

acquiring TET within 2 years from 1st September, 2025. Nevertheless, if any qualified teacher is available, he should be appointed as the regular HM.

11. With the above conclusions and directions, this **Writ Petition is disposed off**. Rule is discharged.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)