

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

WRIT PETITION NO.3339 OF 2026

1. Shri Khan Mohammad Kaif Masud,
Age – 25, Occu – Service, R/at – 806,
Shreeji Mumbai Naka, Nashik.
 2. Secretary,
Cidco Education and Welfare Sanstha,
(minority Educational Institution),
Nashik – 422 009
 3. Head Mistress,
Millat Urdu Primary School,
Cidco, Nashik
-Petitioners

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
School Education and Sport Department,
Mantralaya, Mumbai - 032
 2. Deputy Director of Education, Nashik
 3. Administrative Officer,
Education Department,
Municipal Corporation Nashik
-Respondents

Ms. Prajakta Gaonkar for the Petitioners.
Mr. Aditya R. Deolekar, AGP for Respondent Nos.1 and 2.
Mr. Subhash V. Gutte for Respondent No.3.

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

DATE : 8th 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. Petitioner No.1 is an employee selected and appointed as an Assistant Teacher. Petitioner No.2 is the Secretary of the Minority Education Institution. Petitioner No.3 is the Headmistress of the Urdu Primary School.

3. The proposal seeking approval to the appointment of Petitioner No.1 has been rejected by the Administration Officer of the Corporation Education Department, vide the impugned order dated 27th January, 2026. The reason for refusal of approval is that Petitioner No.1 did not possess the TET qualification. It is also mentioned that Writ Petition No.416 of 2012 filed by the Management, which was decided by this Court, is now a subject matter before the Hon'ble Supreme Court.

4. The Hon'ble Supreme Court has delivered a judgment on 1st September, 2025 in *Anjuman Ishaat-e-Taleem Trust v/s. State of Maharashtra and Ors.*¹ The issue of whether teachers in their

¹ 2025 SCC OnLine SC 1912

employment with a Minority Institution, are mandated to possess the TET qualification, has now been referred to a Larger Bench.

Paragraph No.214 of the said judgment reads as under :

214. Per the detailed discussions above and resting on the same, we hold that the provisions of the RTE Act have to be complied with by all schools as defined in Section 2(n) of the RTE Act except the schools established and administered by the minority – whether religious or linguistic – till such time the reference is decided and subject to the answers to the questions formulated above under section VII. Logically, it would follow that in-service teachers (irrespective of the length of their service) would also be required to qualify the TET to continue in service.

5. In a recently delivered speaking order by this Court (Coram: Ravindra V. Ghuge and Ashwin D. Bhole, JJ.) dated 12th November, 2024 in Writ Petition No.16423 of 2023 and connected Petitions (*Stephie Sushant Ransing alias Stephie Sebastian John v/s. The State of Maharashtra and ORs.*), this Court had directed similarly placed employees to tender undertakings to the employer, keeping in view that the issue as to whether the teachers working in the Minority Institutions need to possess the TET or CTET was pending before the Hon'ble Supreme Court. The undertaking to be tendered by such employees was to ensure that if the TET qualification is held to be mandatory, such teachers would be subject to the directions of the Hon'ble Supreme Court.

6. For the sake of clarity, we deem it appropriate to reproduce paragraph nos.12 to 19 from the order passed in *Stephie Sushant Ransing* (supra), hereunder :

12. Considering the continuous filing of Petitions by Petitioners who are similarly situated, we deem it appropriate to record that the managements would not appoint teachers who do not have the TET/CTET qualifications until the decision of the Hon'ble Supreme Court, in Special Leave to Appeal (Civil) No.8300 of 2021 (Priti Ravindra Warghante and Ors. Vs State of Maharashtra and Ors.). The relief being granted vide this order, would be made applicable prospectively.

13. In view of the above, we direct Education Authorities to grant approval to the teachers who have acquired their TET qualifications after the cut-off date and such conditional approvals would be subject to the verdict of the Hon'ble Supreme Court.

14. In so far as the candidates who do not have TET certificates as on date, keeping in view the law laid down by the Full Bench of this Court in St. Ulai High School vs. Devendraprasad Jagannath Singh, 2007 (1) Mh.L.J. 597, lack of approval would not be a ground for their managements to terminate their services and such candidates will have to be continued in employment in the light of the order of the Hon'ble Supreme Court (of maintaining status quo). Naturally, their employers/Managements would be obliged to make salary payments to the candidates. In the event these candidates subsequently acquire their TET/CTET certificates, they are at liberty to approach the Education Officer for seeking approvals to their appointments. Such conditional approvals would be subject to the conditions imposed on such candidates in Dattatry Sonwale (supra).

15. In view of the above, in matters where Education Officers have refused approvals on account of obtaining TET certificates after the cut-off date, or have not acquired the TET on the date the proposal for approval was rejected, such impugned order shall stand quashed and set aside, since all these Petitioners have now acquired the said Certificates. Such conditional approvals would be followed by grant of conditional Shalarth I. D.

16. For the sake of clarity, we record that this order would not create any equities in favour of the candidates and since they are bound by the affidavit undertakings to be tendered, this order will not be cited for gaining further benefits.

17. The managements, in cases where candidates have acquired the TET/CTET certificate after the cut-off date or the date of this order, would tender their proposals for seeking conditional approval within a period of 30 days,, after the Petitioners tender their affidavit undertakings. Pursuant to such proposals, the Education Officer, would grant the approval within a period of 30 days. After the approvals are granted, the management would submit a further proposal for allotment of Shalarth I. D. as per the procedure, and the Competent Authority shall grant the Shalarth I. D. within 15 days.

18. Writ Petition Nos. 16423 of 2023, 235 of 2020, 236 of 2020 and Writ Petition No.3866 of 2024, in light of the above directions, stand disposed off.

19. The matters in which the Petitioners have not cleared their TET/CTET even today, bearing Writ Petition Nos. 5439 of 2017, Writ Petition No.5452 of 2017, would be adjourned sine die until the Hon'ble Supreme Court decides the pending issue. However, we grant liberty to the Petitioners to circulate these petitions only if the Petitioners

have acquired TET/CTET qualifications in the meanwhile

7. As such, since the issue is now referred to a Larger Bench by the Hon'ble Supreme Court, an undertaking to be tendered by Petitioner No.1 teacher in terms of the above reproduced order, would balance the equities. So also, we record that Petitioner No.1 would make an effort for appearing for the MTET or CTET at the earliest and endeavour to clear the said exam.

8. With the above directions, and keeping in view that Petitioner No.1 has already tendered the undertaking, and which is not disputed, **this Petition is partly allowed.** The impugned order dated 27th January, 2026 stands quashed and set aside.

10. Needless to state, Petitioner No.1 employee would not be permitted to withdraw the said undertaking and would be bound by the law laid down by the Hon'ble Supreme Court as and when the issue pertaining to the Minority Institutions is decided.

11. In view of the above, a formal conditional order of grant of approval would be passed by the Administration Officer

within a period of three weeks from today. The proposal for grant of Shalarth ID can be moved by the Management in the light of this order, and the appropriate Authority would grant the Shalarth ID in view of the above conditions, within 30 days of the receipt of the proposal.

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

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)