



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No.6031 OF 2025

Sachin S/o. Sudhakar Deole,
Aged about 33 years,
Occu.: Service as Teacher,
R/o. Nagratas, Tah. Malegaon,
District Washim. : PETITIONER

...VERSUS...

1. The State of Maharashtra,
Through its Secretary,
Ministry of Education and Sports Department,
Mantralaya, Mumbai - 32.
2. The Deputy Director of Education,
Amravati Division, Amravati.
3. The Education Officer (Secondary),
Zilla Parishad, Washim,
District Washim.
4. Shikshan Prasarak Mandal, Malegaon,
through its President,
Tah. Malegaon, District – Washim.
5. N. N. Mundada Secondary and
Higher Secondary School, Malegaon,
through its Head Master,
Tah. Malegaon, District - Washim. : RESPONDENTS

Mr. Ram Karode, Advocate for Petitioner.
Ms. Hemlata Jaipurkar, Assistant Government Pleader for Respondent
Nos.1 to 3.

CORAM : **SMT. M.S. JAWALKAR AND**
NANDESH S. DESHPANDE, JJ.
DATE : **22nd JANUARY, 2026.**

ORAL JUDGMENT : (Per : NANDESH S. DESHPANDE, J.)

1. Rule. Rule made returnable forthwith. Heard finally by consent of parties.
2. This is a petition filed for challenging the order dated 31st August, 2023 issued by the respondent No.3 Education Officer (Secondary), Zilla Parishad, Washim thereby rejecting the approval for Shalarth ID. Various deficiencies are pointed out in the said letter resulting in rejection.
3. We have heard Mr. Ram Karode, learned counsel for the petitioner and Ms. Hemlata Jaipurkar, learned Assistant Government Pleader for the respondent Nos.1 to 3.
4. Learned counsel for the petitioner by taking us through the communication by the petitioner on 27.9.2023 submits that all the deficiencies except for the deficiency of passing TET examination have been already removed and same has been communicated to the Education Officer. As far as the aspect of TET examination is concerned he places reliance on a communication dated 17.10.2025 by the State Government wherein it is clearly stated that as far as minority educational institutions are concerned

the Right of Children to Free and Compulsory Education Act, 2009 could not be applicable. By placing reliance on this communication he further submits that even the said aspect has been considered time and again by this Court in various Writ Petitions and more particularly Writ Petition No.12347/2025 Bench at Aurangabad and Writ Petition No.5026/2025 Bench at Nagpur. Furthermore, the Writ Petition No.3041/2024 decided on 20th January, 2025 also squarely covers the said issue.

5. We have perused the orders in the abovesaid Writ Petitions. In judgment of **Ashok Shikshan Sanstha Shindefal Vs. State of Maharashtra, Bench at Aurangabad** of this Court. Paragraph 5,6 and 7 of this judgment are reproduced as under :

“5. The learned advocate for the petitioner relies on the recent decision of Hon'ble Apex Court in Anjuman Ishaat-E-Taleem Trust V/s. The State of Maharashtra and Others, 2025 LiveLaw (SC) 861, wherein for all other institutions, the qualification of the teacher would be successful completion of TET examination was upheld, however, as regards the minority institutions are concerned, the reference has been made to the larger Bench. In fact, it was on the basis of the doubt expressed as to whether the decision in Pramati Educational and Cultural Trust V. Union of India; (2014) 8 SCC 1, has been correctly decided in respect of the exemption of the application of The Right of Children to Free and Compulsory Education Act, 2009, (in short, RTE Act), to minority schools whether aided or un-aided, falling under Clause 1 of Article 30 of the Constitution.

6. When the reference is still pending, there ought not to have been rejection and further it was specifically observed in the said decision by the Hon'ble Supreme Court that till the reference is decided, there shall be exemption of the schools, which are by minority, whether religious or linguistic from the provisions of the RTE Act, has been clarified.

7. The learned advocate for the petitioner further relies on the decision in Sadaf Immamoddin Masood V/s. The State of Maharashtra and Others; Writ Petition No. 6894 of 2023, decided on 02.11.2023, Ekta Education Society and Others V/s. the State of Maharashtra and Another; Writ Petition No. 3755 of 2023, decided on 12.03.2024, Zakir Husain Marathi Primary School Mukund Nagar Through Rehman Shafi Kazi V/s. The State of Maharashtra and Others; Writ Petition No. 8891 of 2018, decided on 29.08.2019, wherein the question of applicability of TET Examination to the minority institutions were considered.”

6. The said judgment further places reliance on the judgment of the Hon'ble Supreme Court in **Anjuman Ishaat-E-Taleem Trust Vs. The State of Maharashtra and others** and more particularly paragraph 214 of thereof. Paragraph 214 of the said judgment reproduced 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.”

7. In that view of the matter, we are of the considered opinion that the issue in the present petition is squarely covered. In that view of the matter, we pass the following order :

ORDER

(i) The Writ Petition is allowed.

(ii) The impugned order dated 31.8.2023 passed by the respondent No.3 rejecting the proposal for grant of Shalarth ID is quashed and set aside.

(iii) It is further directed that the respondent Nos.2 - Deputy Director of Education, Amravati Division, Amravati and respondent No.3 - The Education Officer (Secondary), Zilla Parishad, Washim, District Washim should enter the name of petitioner in Shalarth ID, if there is no other deficiency in the proposal within four weeks from 27.1.2026.

(iv) Rule is made absolute.

(v) Petition is disposed of accordingly.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)