



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 6836 OF 2025

Ravikant Bhauraoji Khandare
Age @ 57 yrs, Occ - Service,
R/o. Chatrapati Nagar, Post Nearparsopant,
Tq. Ner, Dist. Yavatmal.

...PETITIONER

VERSUS

- 1) The State of Maharashtra
Through its Secretary for Rural Development
Department, Mantralaya, Mumbai.
- 2) The State of Maharashtra Through its
Secretary for School Education and Sports
Department, Mantralaya, Mumbai.
- 3) The Zilla Parishad, Yavatmal,
Through its Chief Executive Officer, Yavatmal,
Dist. Yavatmal.
- 4) The Headmaster,
Zilla Parishad Primary Marathi School,
Pendhara, Panchayat Sammittee Ner, Z. P
Yavatmal, Tq. Near, Dist. Yavatmal.

...RESPONDENTS

Shri S.M. Vaishnav, Advocate for petitioner
Ms H.S. Dhande, AGP for respondent Nos. 1 & 2/State
Shri V.M. Kulsange, Advocate for respondent No.3

CORAM : **SMT. M.S. JAWALKAR AND**
NANDESH S. DESHPANDE, JJ.

RESERVED ON : **19.01.2026**
PRONOUNCED ON : **28.01.2026**

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally by the consent of the parties.

3. The petition takes exception to the order passed by the respondent No. 3 on 17.10.2025, thereby terminating the petitioner from his services.

4. The facts as stated in the petition can be stated in a narrow compass and are as under :

On the recommendation of the Maharashtra Secondary Services Selection Board, the petitioner came to be appointed on the post of Assistant Teacher (untrained) on 02.03.1993 with the respondent No. 3, Zilla Parishad. It is submitted by the petitioner that the entire service record of the petitioner is clean and

unblemished, and there is no pending departmental enquiry against him.

5. It is further stated in the petition that the Central Government enacted a statute, namely the Right of Children to Free and Compulsory Education Act, 2009 (RTE) Act, and the same was made applicable with effect from 01.04.2010. The State of Maharashtra also passed a necessary resolution making the said Act applicable with effect from 10.05.2010. As per Section 23 of the RTE Act, any person who is possessing minimum qualification as laid down by the academic authority shall be eligible for appointment as a Teacher. It is further stated in the petition that the Central Government by notification dated 31.03.2010, appointed the National Council for Teacher Education (NCTE) as the academic authority for the purposes of Section 23 (1) of the Act. As per the said notification, the said National Council mandated the passing of the TET examination as an essential requirement. The State of Maharashtra issued Government Resolutions on 01.03.2014, 31.03.2015, and 09.02.2016 for the purposes of extending the original time period of 5 years so that the necessary training can be imparted to the Assistant Teachers.

6. However, since according to the respondents, the petitioner could not complete the training as prescribed, he was terminated by the respondent vide its order dated 31.12.2021. The said order was challenged by the petitioner, who had filed a writ petition before this Court, which came to be allowed by this Court vide order dated 14.06.2024. By way of said order, this Court permitted the respondents to issue a show cause notice to the petitioner and passed a fresh order after granting a personal opportunity of hearing to him.

7. Thereafter, a fresh notice was issued to the petitioner, which was duly replied by him. Thereafter, the impugned order was passed terminating the service of the petitioner. It is this order which is challenged in the present petition.

8. We have heard Shri S.M. Vaishnav, learned Counsel for the petitioner, who submits that even though he has raised various grounds regarding the applicability of the said Government Resolutions mandating the requisite training, the petition can be disposed in view of the reply of the respondent No. 3. By taking us through the reply filed by the respondent No. 3, and more

particularly notification dated 23.08.2010, the learned Counsel for the petitioner points out that Clause 4 (c) specifically provides that the teachers appointed before 03.09.2001 in accordance with the prevalent recruitment Rules need not acquired the minimum specific qualifications as required in the notification.

9. Per Contra, the learned Counsel for respondent No. 3 submits that the notification mandates acquiring of minimum qualification as prescribed in it, and more particularly, clause 1 thereof. He further submits that the teacher needs to pass the Teachers Eligibility Test (TET) to be conducted by the appropriate Government, and therefore, the petitioner, being ineligible, was rightly terminated. He, however, fairly submits that clause 4 (c) exempts the teacher appointed before 03.09.2001 from acquiring the side qualification.

10. We have appreciated the controversy involved in the present petition. In view of the fact that clause 4(c) specifically exempts the teachers appointed before 03.09.2001 in accordance with the prevalent recruitment rules, and more particularly, in view of the admitted fact that the petitioner was appointed on 02.03.1993, it is

clear that the petitioner is exempted from acquiring the said qualification.

11. Thus, the challenge in the present petition succeeds, and in view of this following order is passed:

ORDER

- i) The writ petition is partly allowed.
- ii) The impugned termination order dated 17.10.2025, passed by the respondent No.3, is quashed and set aside.
- iii) It is further directed that the respondent No. 3 should reinstate the petitioner with continuity in service and to pay him all service benefits ensuing therefrom.

12. The Rule is made absolute in the above terms, and the petition is disposed of.

(NANDESH S. DESHPANDE, J.)

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

Jayashree..