



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

WRIT PETITION NO. 7566 OF 2025

- 1) **Paramvir Abdul Hamid Social Welfare Association, Tunki (Bk.),**
Tah. Sangrampur, District- Buldhana,
through its President.
- 2) **Mohd. Yakub Patel Urdu High School,**
Akot, Tah. Akot, District- Akola,
through its Head Master.
- 3) **Syed Haider Ali Syed Manvar Ali,**
Aged about 32 years, Occ. : Service,
R/o. Kangarpura, Saukat Ali Chowk,
Akot, Tah. Akot, District-Akola. **PETITIONERS**

// VERSUS //

- 1) **The Deputy Director of Education,**
Amravati Division, Amravati.
- 2) **The Education Officer (Secondary),**
Zilla Parishad, Akola, Distt.-Akola. **RESPONDENTS**

Mr. R. D. Karode, Advocate for the Petitioners.
Mrs. H. S. Dhande, Advocate for the Respondents.

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

DATE : 01ST APRIL, 2026.

ORAL JUDGMENT : (Per : SMT. M.S. JAWALKAR, J.)

1. Heard learned Counsel for the Petitioner and learned
Assistant Government Pleader for the Respondents.

2. **RULE.** Rule made returnable forthwith. Heard finally with the consent of the learned Counsel appearing for the parties.

3. By this Petition, the Petitioners are challenging a Communication dated 12.09.2025 issued by Respondent No.2 – Education Officer (Secondary), Zilla Parishad, Akola whereby refused to grant the approval to the appointment of Petitioner No.3. The Petitioners are further seeking directions to release the salary of Petitioner No.3 from the date of his appointment and to include his name in the Shalarth ID.

4. The Petitioner No.1 is a minority institution and run the Petitioner No.2 School. The Petitioner No.3 came to be appointed as ‘Assistant Teacher’ after following due procedure and the proposal for grant of approval to the appointment of Petitioner No.3 was forwarded on 09.06.2025 to the Respondent No.2 – Education Officer, Zilla Parishad, Akola. The Respondent No.2 – Education Officer, Zilla Parishad, Akola rejected the said proposal on the ground that the Petitioner No.3 has not passed the TET Examination.

5. The learned Assistant Government Pleader strongly opposed the said writ petition and submitted that a TET

Examination is a mandatory requirement and a part of minimum qualification criteria for teachers therefore, the order passed by the Respondent No.2 – Education Officer (Secondary) Zilla Parishad, Akola is legal and no interference is warranted on it.

6. This issue is already covered by the Judgment in ***Anjuman Ishaat-E-Taleem Trust vs. The State of Maharashtra & Ors., 2025 LiveLaw (SC) 861***, wherein the Hon'ble Apex Court in para 214 held 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. The learned Counsel for the Petitioners also placed reliance on **Judgments in Writ Petition No.6031/2025 (Sachin S/o Sudhakar Deole vs. the State of Maharashtra & Ors.)**, dated 22.01.2026, **Writ Petition No.12347/2025 (Ashok Shikshan Sanstha Shindetal through its Secretary & Ors. vs. The State of Maharashtra & Ors.)**, dated 15.12.2025 and **Writ Petition**

No.10439/2025 (Mohmmadiya Education Society through its Secretary & Anr. vs. The State of Maharashtra & Anr.), dated 06.10.2025, wherein relying on the Judgment passed in ***Anjuman Ishaat-E-Taleem Trust vs. The State of Maharashtra*** (supra) directed the Education Officer not to insist for TET for grant of approval.

8. It is also a matter of record that a Communication issued by the Director of Education (Primary), State of Maharashtra, Pune dated 26.12.2019, whereby Director of Education (Primary), Pune communicated to all the Zilla Parishad's Education Officers that the school run by the minority institutions and teachers therein have filed the SLP before the Hon'ble Apex Court in respect of compulsory qualification of TET Examination therefore, the said condition was relaxed for the time being. The Petitioners also placed reliance on a Communication dated 17.10.2025, issued by Other Backward Class Welfare Department, Mantralaya, Mumbai, wherein Clause-4 specified that the RTE Act is not applicable to the minority institutions and therefore, the condition of acquiring the TET Examination in the teachers who were working in minority institutions is not compulsory.

9. In our considered opinion as held by the Hon'ble Apex Court that till the decision of reference, in respect of issue of applicability of TET Examination to the teachers in minority institutions would get decided, the rejection of approval on the ground of non acquisition of TET Examination is contrary to the Judgment as well as communications issued by the Director of Education (Primary), State of Maharashtra, Pune and Other Backward Class Welfare Department, Mantralaya, Mumbai. As such, the Petitioner No.3 is entitled to get relief as claimed. Accordingly, we proceed to pass the following order :

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 12.06.2025, issued by Respondent No.2 – Education Officer (Secondary), Zilla Parishad, Akola is hereby quashed and set aside.
- (iii) The Respondent No.2 – Education Officer (Secondary), Zilla Parishad, Akola is hereby directed to grant approval to the appointment of Petitioner No.3 and further directed to release the salary of the Petitioner No.3 from the date of his appointment by forwarding the proposal for inclusion of his name in Shalarth ID.

10. The Rule is made absolute in the above terms. No order as to costs. Pending application(s), if any, stand(s) disposed of.

(NANDESH S. DESHPANDE, J.)

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

Kirtak