APHC010479502025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3457]**
(Special Original Jurisdiction)

MONDAY, THE 23rd DAY OF NOVEMBER 2026
PRESENT
THE HONOURABLE SRI JUSTICE HARINATH.N
WRIT PETITION NO: 25107 and 25370/2025

WP.No.25107/2025
Between:

1. SMSO AIDED ELEMENTARY SCHOOL,, UYYALAPALLI, KALUVOYA MANDAL, SPSR NELLORE DISTRICT. REP BY ITS CORRESPONDENT V. GEETHA RAMANI

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS SECRETARY (EDUCATION DEPARTMENT) SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE COMMISSIONER AND DIRECTOR OF SCHOOL EDUCATION, EDUCATION DEPARTMENT, IBRAHIMPATNAM, VIJAYAWADA, KRISHNA DISTRICT.
3. THE REGIONAL JOINT DIRECTOR OF SCHOOL EDUCATION, GUNTUR, GUNTUR DISTRICT.
4. THE DISTRICT EDUCATIONAL OFFICER, SPSR NELLORE DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of Respondents 2 to 4 in directing their nominees nominated to the Staff Selection Committee of the petitioner institutions to issue instructions for filling up the vacant aided posts by insisting upon applications only from candidates possessing TET qualification, as illegal, arbitrary, and unconstitutional, and as being liontrary to the provisions of the G.O.Ms.No.1, Education (P.S.2) Department, dated 01.01.1994 and Andhra Pradesh Education Act, 1982 and consequently direct the respondents not to insist upon TET qualification for applicants seeking appointment to the aided posts in the petitioner schools without insisting on TET qualification, as arbitrary, illegal, unjust, contrary to the said G.O.Ms.No.1, Education (P.S.2) Department, dated 01.01.1994 as arbitrary, illegal, unjust, contrary to the said G.O. and the provisions of the Right to Education Act, 2009, and violative of the petitioners fundamental rights under Articles 14 and 21A of the Constitution of India and consequently direct the respondents not to insist upon TET qualification for applicants seeking

appointment to the aided posts in the petitioner schools without insisting on TET qualification and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to DIRECT the Respondents 2 to 4 to permit the petitioner schools to fill up the said aided vacancies strictly in accordance with G.O.Ms.No.1, dated 01.01.1994, without imposing any condition such as mandatory TET qualification and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to vacate the orders in WP.No. 25107 of 2025 dated 18.09.2025 Writ Petition in the interest of justice, and may be pleased to pass

Counsel for the Petitioner:

1. K.P.S. SAILESH REDDY

Counsel for the Respondent(S):

1. GP FOR SCHOOL EDUCATION

WP.No.25370/2025

Between:

1. SBVD SABHAHIGH SCHOOL,, PULLAMPETA VILLAGE AND MANDAL, ANNAMAYYA DISTRICT. (ERSTWHILE KADAPA DISTRICT) REP BY ITS CORRESPONDENT SRI NOOKALA SREE RAMULU.
2. SREE VEERA BRAHMENDRA MISSION AIDED U P SCHOOL,, OBULREDDY NAGAR, MYDUKUR, YSR KADAPA DISTRICT. REP BY ITS CORRESPONDENT SMT. T. VENKATA LAKSHMI.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS SECRETARY (EDUCATION DEPARTMENT), SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE COMMISSIONER AND DIRECTOR OF SCHOOL EDUCATION, EDUCATION DEPARTMENT, IBRAHIMPATNAM, VIJAYAWADA, KRISHNA DISTRICT.
3. THE REGIONAL JOINT DIRECTOR OF SCHOOL EDUCATION, KADAPA, YSR KADAPA DISTRICT.
4. THE DISTRICT EDUCATIONAL OFFICER, YSR KADAPA DISTRICT.
5. THE DISTRICT EDUCATIONAL OFFICER, ANNAMAYYA DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of Respondents 2 to 5 in directing their nominees nominated to the Staff Selection Committee of the petitioner institutions to issue instructions for filling up the vacant aided

posts by insisting upon applications only from candidates possessing TET qualification, as illegal, arbitrary, and unconstitutional, and as being contrary to the provisions of the G.O.Ms.No.1, Education (P.S 2) Department, dated 01.01.1994 and Andhra Pradesh Education Act, 1982 and consequently direct the respondents not to insist upon TET qualification for applicants seeking appointment to the aided posts in the petitioner schools without insisting on TET qualification, as arbitrary, illegal, unjust, contrary to the said G.O.Ms.No.1, Education (P.S.2) Department, dated 01.01.1994 as arbitrary, illegal, unjust, contrary to the said G.O. and the provisions of the Right to Education Act, 2009, and violative of the petitioners fundamental rights under Articles 14 and 21A of the Constitution of India and consequently direct the respondents not to insist upon TET qualification for applicants seeking appointment to the aided posts in the petitioner schools without insisting on TET qualification and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to DIRECT the Respondents 2 to 5 to permit the petitioner schools to fill up the said aided vacancies strictly in accordance with G.O.Ms.No.1, dated 01.01.1994, without imposing any condition such as mandatory TET qualificationm: m and pass

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to vacate interim orders dt. 19.09.2024 passed in WP No.25370 of 2025 and to pass

Counsel for the Petitioner(S):

1. K.P.S. SAILESH REDDY

Counsel for the Respondent(S):

1. GP FOR SCHOOL EDUCATION

The Court made the following:

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION Nos.25107 and 25370 of 2025

COMMON ORDER:

1. Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for the respondents.

2. The petitioners are Aided Schools and are catering to the needs of downtrodden communities at the same time maintaining high academic standards. It is submitted that the recruitment process for appointment of teachers in Aided Schools is governed by G.O.Ms.No.1, dated 01.01.1994.

3. The respondent No.3 accorded permission to fill up the aided vacancies to the petitioner schools by issuing memos dated 04.10.2023 and 20.11.2024 respectively. The said memos insisted the petitioners to ensure the applicants must qualify Teacher Eligibility Test – Cum – Teacher Recruitment Test (TET – Cum – TRT) for applying for the post of Aided Teaching Staff.

4. The learned counsel for the petitioners submits that the requirement of Teacher Eligibility Test (hereinafter referred to as ‘TET’) qualification is not required for filling up the posts of private management schools and it applies to Government Schools, Mandal Praja Parishad Schools, Municipal Schools etc., Applying the same principle, this Court in a several batch matters held that the qualification of TET is mandatory for

Government Schools and not for Aided Schools. Following the same this Court passed interim orders permitting the petitioner to fill the Aided vacancies as per the procedure contemplated under G.O.Ms.No.1, dated 01.01.1994 without insisting for TET Candidates.

5. The Hon'ble Supreme Court in **Anjuman Ishaat-E-Taleem Trust Vs. State of Maharashtra and others**[1]**,** has issued a clarification on the requirement of in-service teachers to qualify TET to continue in service. The Hon'ble Supreme Court has held that TET is a mandatory requirement for appointment of Teacher as the same would bring National Standards and Bench Marks in Teacher Recruitment and improving the Teaching Quality.

6. The Hon'ble Supreme Court further issued a clarification those in-serve Teachers who have less than five years of service left may be permitted to continue in service till they attain the age of superannuation without qualifying TET. However, such of those Teachers shall not be considered for further promotion if they do not qualify the TET.

7. It was also clarified by the Hon'ble Supreme Court that in-service Teachers having more than five years to retire are under an obligation to qualify TET within two years in order to continue in-service apart from passing other clarification.

[1](2026) 7 SCC 690

8. The issue of exempting Aided Schools from qualifying TET is already considered by the Hon'ble Supreme Court and the Hon'ble Supreme Court has mandated TET as a eligibility for recruitment as a Teacher and has clarified with regard to the requirement of the Teachers who are already recruited by the Aided Schools to qualify TET within a period of two years.

9. The issue raised in the writ petitions are covered by the judgment passed by the Hon'ble Supreme Court in the matter of **Anjuman Ishaat-E-Taleem Trust Vs. State of Maharashtra and others.** Following the judgment of the Hon'ble Supreme Court, the writ petitions are disposed off with the following observations ;

    (1) the petitioner- schools cannot claim exemption for recruiting the Teachers who do not qualify TET eligibility ;
    (2) the Teachers recruited without TET qualification by the petitioner-schools shall have to qualify TET within a period of two years from the date of receipt of this Order. This is applicable for Teachers who have more than five years of service.

10. With the above observations, the writ petitions are disposed off. There shall be no order as to costs.

    As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE HARINATH.N

Dated 23.11.2026
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47

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION Nos.25107 and 25370 of 2025

Dated 23.11.2026

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