



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION [ST] NO.15214 OF 2026

Raju s/o Radhakisan Gaikwad
and others

..Petitioners

Vs.

The State of Maharashtra
and others

..Respondents

Mr.Vijay A. Dhakne, Advocate for petitioners

Mr.D.J.Patil, AGP for respondent nos.1 and 2

Mr.Prashant Nangre, Advocate for respondent nos.3 and 4

Mr.Kavita Bhale, Advocate for intervenor

CORAM : AJIT B. KADETHANKAR, J.

DATE : JUNE 03, 2026

(Vacation Court)

ORDER :-

The petitioners have filed this petition with the following
main prayers:-

A) Issue a Writ of Certiorari or any other appropriate Writ, Order, or Direction, quashing and setting aside the temporary seniority lists published by Respondent No.4 on 26.05.2026, to the extent that they exclude the names of the Petitioners from consideration for promotion to the posts of Headmasters, Cluster Heads, Graduate Teachers, and Extension Officers (Education).

B) Issue a Writ of Mandamus or any other appropriate Writ, Order, or Direction, directing the Respondents, particularly Respondent No. 3 and Respondent No. 4, to forthwith include the names of the Petitioners in the seniority lists of eligible teachers for promotion to the posts of

Headmasters, Cluster Heads, Graduate Teachers, and Extension Officers (Education).

C) Issue a Writ of Mandamus or any other appropriate W Order, or Direction, directing the Respondents to consider the promotion claims of the Petitioners to the posts of Headmasters, Cluster Heads, Graduate Teachers and Extension Officers, based on their seniority and the fac that they possess the requisite TET/CTET qualifications.

D) Issue a Writ of Mandamus or any other appropriate Writ, Order, or Direction, directing the Respondents to complete the promotion process for the selection list year 2025-2 only after the inclusion and due consideration of the Petitioners' promotion claims.

E) Pending the hearing and final disposal of this Writ Petition issue an interim order directing the Respondents to stay the promotion process for the posts of Headmasters, Cluster Heads, Graduate Teachers and Extension Officers initiated vide letter dated 14.05.2026 and subsequent actions, including the finalization of seniority lists and issuance of promotion orders.

2. Ms.Kavita Bhale, learned advocate files a Civil Application in the Writ Petition seeking intervention to oppose the prayers made in this Writ Petition. Office to register the Civil Application. Ms. Bhale sought to address that there are certain service rules which are required to be considered. She submits that the applicants in her application are the teachers whose names are incorporated in the draft seniority list, and whose interest is involved

in the matter. Ms. Bhale is concerned about seniority of the applicants. Locus of the applicants in the Civil Application and merits of their arguments shall be heard while deciding the Writ Petition.

3. The petitioners are such Assistant Teachers who are governed by the provisions of the Right of Children to Free and Compulsory Education Act, 2009 ("RTE Act" for the sake of brevity) and also covered by the landmark judgment rendered by the Hon'ble Apex Court in the case of **Anjuman Ishaat-E-Taleem Trust vs. State of Maharashtra and ors. (2025 INSC 1063)**.

4. The petitioners submit that they were appointed on their respective posts during the period from 1992 to 2003. The petitioners have cleared TET/CTET examination on 16.01.2026, 03.02.2026 and 30.03.2026, respectively. It is further submitted that an information about the Teachers having passed TET/CTET examination was sought to be submitted by the Education Officer vide letter dated 20.06.2026. On 14.05.2026, the Director of Education (Primary), Pune, issued directions to initiate the process for promotion for the posts of Extension Officers, Cluster Heads, Headmasters and Graduate Teachers. It was also directed to observe the mandatory qualification of TET/CTET along with the seniority for promotion.

5. It is the contention of the petitioners that pursuant to the said directions, a provisional seniority list has been prepared by the Education Department, Zilla Parishad, Chh. Sambhajnagar, wherein the names of the petitioners are absent. The petitioners' contention is that in view of the provisions of the R.T.E. Act and the judgment rendered by the Hon'ble Supreme Court in **Anjuman Ishaat-E-Taleem Trust (Supra)**, the petitioners are well-qualified to be considered for promotion to the various respective posts and hence their names ought to have been included in the seniority list prepared by the Zilla Parishad pursuant to the directions issued by the Director of Education (Primary) on 14.05.2026.

6. Mr.Dhakne, learned counsel for the petitioners has taken me to page no.73 (chart) to demonstrate that a candidate at serial no.10 who cleared the TET/CTET examination on 16.01.2026 is also included in the said seniority list. He submits that it is trite law that such in-service candidates who hold the qualification of TET/CTET on or before the date of initiation of process of promotion are entitled to be promoted. In other words, he submits that this court has held that only those candidates who hold the requisite qualification of TET/CTET on the date of initiation of the process of promotion could be considered for promotion. That way, he submits that the

petitioners are well-qualified to find themselves in the seniority list prepared by the Zilla Parishad pursuant to the letter date 14.05.2026 issued by the Director of Education (Primary). Learned counsel relies upon paragraphs 170 and 218 of the judgment of the Apex Court in the case of **Anjuman Ishaat-E-Taleem Trust** (supra), which are reproduced below:-

170. As a logical corollary to the above, it is axiomatic that those in-service Teachers who aspire for promotion, irrespective of the length of their service, have to qualify the TET in order to be eligible to have their candidature considered for promotion.

Paragraph 218 is reproduced as under :-

218. Subject to what we have said above, it is reiterated that those aspiring for appointment and those in-service Teachers aspiring for appointment by promotion must, however, qualify the TET; or else, they would have no right of consideration of their candidature.

7. Mr.Dhakne, learned counsel for the petitioners would further submit that a review petition was filed in the Apex Court challenging the decision in the case of **Anjuman Ishaat-E-Taleem Trust** (supra) which came to be dismissed with a reasoned order and affirming the original decision. He apprises that the Honorable Supreme Court, in the interest of justice extended the grace period

to the serving Assistant Teachers to clear the TET/CTET for continuation in the service. That, the findings in the original judgement remain intact. In view of this, he submits that the process of promotion must not be proceeded unless the names of the petitioners are included in the seniority list annexed to the petition.

8. It is the trite law that holding the requisite qualification of TET/CTET is a condition precedent for a candidate seeking promotion to the applicable post. The petitioners have cleared their qualification of TET/CTET on 16.01.2026, 03.02.2026 and 30.03.2026, respectively. The letter dated 14.05.2026 issued by the Director of Education, Pune, abundantly demonstrates that at least till that date, the promotion process was not initiated by the Zilla Parishad, Chh. Sambhajinagar. It is the contention of the petitioners that on 14.05.2026 they were holding the requisite qualification of TET/CTET.

9. Learned Assistant Government Pleader Mr. D.J.Patil and Mr. Nangre, learned advocate for the Zilla Parishad authorities however submit that the crucial date for considering TET/CTET qualification of a candidate for promotion would be 1st day of the

Select List Year (निवडसूची वर्ष). They submit that in view of clause No. 5.1.3 of the Government Resolution dated. 01-08-2019, a Select List Year would start on 01st September of each year and remain in force till 31st August of the succeeding year (e.g. 01-09-2024 to 31-08-2025). It is further submitted that as per the clause 5.1.3 the qualification, minimum service and such other requisite qualification held by an employee on 1st September of each year shall be considered for service benefits of Promotion.

10. Mr.Patil and Mr. Nangre further submit that it's not in dispute that only those candidates who possess TET/CTET on the date of initiation of promotion process would be qualified for promotion; however in view of the Government Resolution dated 01-08-2019, (supra) 1st day of the September of each Select List Year shall be the crucial date for the promotions to be made in such year. As such, according to the responding side, the Petitioners would be entitle for the being considered for promotion process that shall be conducted in the year 2026-2027 starting from 01-09-2026.

Although Mr. Dhakne, learned advocate for the Petitioner has reservations on applicability of the Government Resolution dated 01-08-2019 to the Zilla Parishad teachers, the other side clarifies

that the said Government Resolution is applicable to the present parties.

11. The matter requires consideration on merits. Hence, issue notice to the respondents, returnable on 01.07.2026. Learned AGP waives service for respondent nos.1 and 2; Mr.Prashant Nangre, learned advocate waives notice for respondent nos.3 and 4. Civil Application for intervention to be tagged to the Petition for hearing.

12. Till the returnable date, the respondent nos.3 and 4 shall not conclude the process of promotion to the posts of Extension Officers, Cluster Heads, Headmasters and Graduate Teachers pursuant to the directions given in the letter dated 14.05.2026, issued by the Director of Education (Primary), Pune.

13. Respective parties shall file their reply and serve copies to the other side in advance. Stand over 01.07.2026 in urgent category.

[AJIT B. KADETHANKAR, J.]

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KBP