



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

WRIT PETITION NO. 2482 OF 2025

- 1) **Praful Sahebrao Thote,**
Aged : 36 years, Occ.:Service,
R/o- Bharwadi, Tq. Tiwsa,
Dist. Amravati.
- 2) **Shri Saibaba Shikshan Sanstha,**
Amravati, through its President,
having office at Datta Vihar Colony,
Near Ravi Kiran Colony, Amravati,
Tq. and Dist. Amravati.
- 3) **Shri Saibaba Vidyalaya,**
Anjansinghi, Tq. Dhamangaon-Rly,
Dist. Amravati,
through its Head-Master. **PETITIONERS**

// **VERSUS** //

- 1) **State of Maharashtra,**
Through Principal Secretary,
School Education and Sports
Department, Mantralaya, Mumbai.
- 2) **Education Officer (Secondary),**
Zilla Parishad, Amravati. **RESPONDENTS**

Mr. Sumit Gandhe, Advocate for the Petitioners.
Ms. D. I. Charlewar, Assistant Government Pleader for
the Respondents.

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

DATE : 17th APRIL, 2026.

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



1. Heard learned Counsel for the Petitioners 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 Petitioner is seeking quashing and setting aside the impugned order dated 08.04.2025, passed by Respondent No.2 – Education Officer, Secondary, Zilla Parishad, Amravati.
4. It is the contention of the Petitioners that Petitioner No.2 is a Minority Institution and running the Petitioner No.3 – School. The Certificate of Minority Institution issued in favour of Petitioner No.2 is placed on record. The Petitioner No.1 came to be appointed as “Shikshan Sevak” on 31.07.2024. The Petitioner No.2, thereafter, forwarded a proposal to the Respondent No.2 for granting approval to the appointment of Petitioner No.1. The said proposal was rejected by the Education Officer vide its Communication dated 08.04.2025 on the ground that the Petitioner No.1 is not cleared the C.T.E.T. examination.



5. The learned Counsel for the Petitioners relied on the Judgment in *Anjuman Ishaat-E-Taleem Trust vs. The State of Maharashtra & Ors., 2025 LiveLaw (SC) 861*, wherein the Hon'ble Apex Court held in para 214 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 o the length of their service) would also be required to qualify the TET to continue in service.”

6. In view thereof, till the decision of pending reference, the compulsion of the T.E.T./C.T.E.T. examination in respect of employees in minority institution is not applicable. Moreover, it is submitted that the Petitioner No.1 has cleared the said examination as required in April-2026. As such, the impugned order passed by the Respondent No.2 is liable to be quashed and set aside. Accordingly, we proceed to pass the following order :

- (i) The writ petition is allowed.
- (ii) The impugned order dated 08.04.2025, passed by Respondent No.2 – Education Officer, Secondary, Zilla Parishad, Amravati is hereby quashed and set aside.



(iii) The Respondent No.2 - Education Officer, Secondary, Zilla Parishad, Amravati is hereby directed to grant approval to the appointment of Petitioner No.1 on the post of “Shikshan Sevak” within a period of six weeks.

7. Rule is made absolute in the above terms. No order as to costs.

(NANDESH S. DESHPANDE, J.)

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

Kirtak