

Supreme Court Judgment Brief (2025 INSC 1063)

Introduction

This case consolidates multiple civil appeals concerning the requirement of Teacher Eligibility Test (TET) qualifications for teachers in minority and non-minority institutions under the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act). The judgment explores whether the State can mandate TET for minority institutions, and whether teachers appointed before the 2010–2011 NCTE notifications must qualify TET for promotions.

Background of Appeals

The appeals arise from judgments of the Bombay and Madras High Courts, which had taken divergent views. While the Bombay High Court (2017) upheld TET requirements for minority institutions, the Madras High Court (2019, 2023) held that minority institutions were exempt, relying on the Supreme Court's decision in *Pramati Educational and Cultural Trust v. Union of India* (2014).

Key Questions

1. Can the State mandate that teachers in minority institutions clear the TET? 2. Do teachers appointed prior to the 2010–2011 NCTE notifications need to pass the TET for promotions?

Conflicting High Court Rulings

• Bombay High Court (2017): TET mandatory for minority institutions. • Bombay High Court (2019, interim orders): Stayed termination of teachers without TET. • Madras High Court (2019, 2023): TET not applicable to minority institutions (based on *Pramati*). • Madras High Court: Upheld TET requirement for non-minority institutions.

Relevant Precedents

1. *Society for Unaided Private Schools of Rajasthan* (2012): RTE Act valid; unaided minority schools exempt from 25% quota. 2. *Pramati Educational and Cultural Trust* (2014): RTE Act does not apply to minority institutions, aided or unaided. These precedents created conflicting interpretations, leading to the present controversy.

Arguments

Opposing TET Mandate: • Violates Article 30 (minority rights). • Could cause teacher shortages. • TET is only an eligibility test, not a minimum qualification. Supporting TET Mandate: • Ensures children's right to quality education under Article 21A. • Minority rights cannot override child's educational rights. • Exemptions create inequality among students. • Regulatory framework under RTE is a reasonable restriction under Article 19(6).

Court's Analysis

The Court acknowledged a clear conflict between Articles 21A (Right to Education) and 30(1) (minority rights). It emphasized the importance of TET in maintaining teaching standards, but noted

that Pramati had granted minority institutions broad exemptions. It considered whether Pramati requires reconsideration by a larger bench.

Decision

- Referred the issue of RTE Act applicability to minority institutions to a larger Constitution Bench.
- Held that TET remains mandatory for non-minority institutions, both for recruitment and promotion.
- For in-service teachers appointed before the 2010/2011 notifications, promotions without TET may not be sustainable, but the matter awaits clarification.

Conclusion

The judgment stops short of a final ruling. While non-minority institutions must comply with TET, minority institutions remain protected under Pramati until reconsidered by a larger bench. The case highlights the balance between minority rights under Article 30 and the child's right to education under Article 21A.