



GOVERNMENT OF JAMMU AND KASHMIR  
SCHOOL EDUCATION DEPARTMENT,  
CIVIL SECRETARIAT, J&K

(Legal Section)

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- Subject:** Designation of Jammu and Kashmir Board of School Education / State School Standards Authority (SSSA) as Nodal Agency for Conducting Teachers Eligibility Test (TET):Reg.
- Reference:** Judgement dated 01.09.2025 passed by Hon'ble Supreme Court of India in Civil Appeal No. 1385/2025 and connected matters titled Anjuman Ishat-E-Taleem Trust V/s State of Maharashtra & Ors.

Government Order No. 82- JK (Edu) of 2026

Dated : 23-02-2026

Whereas, the Hon'ble Supreme Court of India, while dealing the matter in Civil Appeal No. 1385/2025 and connected matters, titled Anjuman Ishat-E-Taleem Trust V/s State of Maharashtra & Ors. disposed of the matter vide its judgment dated 01.09.2025, inter alia, observing as under:-

**VIII. ORDER ON APPLICABILITY OF THE TET TO IN-SERVICE TEACHERS**

“...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.

215. However, we are mindful of the ground realities as well as the practical challenges. There are in-service teachers who were recruited much prior to the advent of the RTE Act and who might have put in more than two or even three decades of service. They have been imparting education to their students to the best of their ability without any serious complaint. It is not that the students who have been imparted education by the non-TET qualified teachers have not shone in life. To dislodge such teachers from service on the ground that they have not qualified the TET would seem to be a bit harsh although we are alive to the settled legal position that operation of a statute can never be seen as an evil.

216. Bearing in mind their predicament, we invoke our powers under Article 142 of the Constitution of India and direct that those teachers who have less than five years' service left, as on date, may continue in service till they attain the age of superannuation without qualifying the TET. However, we make it clear that if any such teacher (having less than five years' service left) aspires for promotion, he will not be considered eligible without he/she having qualified the TET.

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217. Insofar as in-service teachers recruited prior to enactment of the RTE Act and having more than 5 years to retire on superannuation are concerned, they shall be under an obligation to qualify the TET within 2 years from date in order to continue in service. If any of such teachers fail to qualify the TET within the time that we have allowed, they shall have to quit service. They may be compulsorily retired; and paid whatever terminal benefits they are entitled to. We add a rider that to qualify for the terminal benefits, such teachers must have put in the qualifying period of service, in accordance with the rules. If any teacher has not put in the qualifying service and there is some deficiency, his/her case may be considered by the appropriate department in the Government upon a representation being made by him/her.

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..."

**Whereas,** the Government of Jammu & Kashmir taking recourse to the above noted judgment processed the case and accordingly a meeting was convened under the Chairmanship of the Worthy Chief Secretary, J&K, on 30.10.2025, wherein after threadbare discussion on the issue, the chair directed the JKBOSE/ State School Standards Authority (SSSA) to take appropriate measures on priority and prepare actionable roadmap for conduct of the TET examination taking into account infrastructural and manpower requirement; regard being had to giving maximum opportunities to the incumbents to appear in the TET examination in compliance with the directions of the Hon'ble Supreme Court, after obtaining clarification/opinion from the Department of Law, Justice & Parliamentary Affairs;

**Whereas,** the meeting chaired by Worthy Chief Secretary, J&K culminated on following line of actions:-

**Action Plan:**

1. J&K BOSE has been designated as the examination conducting agency.
2. Online examination forms will be received through a software module developed by NIC and integrated with J&K BOSE's website.
3. Exam centers will be set up at district headquarters or twin capital cities (Srinagar and Jammu).
4. Invigilation staff will comprise +2 lecturers of School Education Department (SED) and Assistant Professors of Higher Education Department (HED) with known integrity.
5. Security measures will include Gazetted officers as observers, jammers, police assistance, and restrictions under section 163 of BNSS.
6. The syllabus will be based on NCTE's CTET syllabus with minor modifications to suit J&K's curriculum plan and scheme of studies.

**Timeline:**

The examination process will be completed within the next 2 years, as directed by the Hon'ble Supreme Court.

Whereas, in terms of the decision taken in the meeting dated 30.10.2025, the matter was referred to the Department of Law, Justice and Parliamentary Affairs, UT of J&K, for opinion and the Department of Law, Justice and Parliamentary Affairs vide U.O No. LAW-LIT4/1155/2025-10 dated 24.10.2025, returned its findings with the following advise:-

*”Returned:- The point wise reply of legal questions formulated by Department is tabulated as under:-*

S.No.	Query	Response
1.	<i>Whether the judgment operates as a judgment in rem and applies to all similarly placed in-service teachers in non-minority educational institutions.</i>	<p><i>The Hon'ble Supreme Court in Para 214 of the judgment dated 01.09.2025 passed in Civil Appeal No. 1385/2025 titled Anjuman Ishat-E-Taleem Trust V/s State of Maharashtra &amp; Others has held as under:-</i></p> <p><i>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.</i></p> <p><i>The aforesaid judgment primarily addresses the eligibility criteria for teachers under the Right of Education (RTE) Act and its nationwide application stems from its character as a binding precedent as such, the judgment would operate as judgment in rem and applies to all similarly placed in-service teachers in non-minority educational institutions. The judgment is binding on all the in-service teachers in non-minority educational institutions in accordance with Art.141 of the constitution of India.</i></p>
2.	<i>Whether the directions issued by the Supreme Court are binding and enforceable in respect of in-service teachers of the UT of J&amp;K.</i>	<p><i>In terms of Article 141 of Constitution of India, the judgment passed by the Hon'ble Supreme Court in its jurisdiction is binding throughout the territory of India. As such, the judgment passed by the Hon'ble SC would be binding on all States/UTs particularly in vie of the fact that RTE Act has been introduced in all the recognized educational institutions including the UT of J&amp;K.</i></p>
3.	<i>Whether TET qualifications are mandatory for teachers in both government and private schools, including those registered and unregistered.</i>	<p><i>On the issue attention of the Department is drawn towards para 200 of the judgment which inter-alia provides as under:-</i></p> <p><i>200. If we are to accept the contention of the in-service teachers, the above said proviso would</i></p>

		<p>be rendered nugatory obtaining the TET qualification under the RTE Act is mandatory and the consequence of non obtaining such qualification flowing from the scheme of the RTE Act is that the in-service teachers would cease to have any right to continue in service. Reference may also be made to letter dated 3rd August, 2017 (discussed in Paragraph 69 above) issued by the MHRD which provided a deadline beyond which the in-service teachers, having not qualified the TET, would not be permitted to continue in service. As such in view of the above, the TET qualifications are mandatory for teachers in both government and private schools, including registered schools. Apposite to mention here that the School Education Department requires to proceed against the unregistered institutions in accordance with law.</p>
4.	<p>Whether existing teachers need to qualify TET to continue in service or seek promotions, except for those with less than 5 years of service left before retirement.</p>	<p>The Hon'ble Supreme Court in Paras 216 to 218 of the judgment has inter-alia held as under:-</p> <p><b>216</b> . Bearing in mind their predicament, we invoke our powers under Article 142 of the Constitution of India and direct that those teachers who have less than five years' service left, as on date, may continue in service till they attain the age of superannuation without qualifying the TET. However, we make it clear that if any such teacher (having less than five years' service left) aspires for promotion, he will not be considered eligible without he/she having qualified the TET.</p> <p><b>217</b> . Insofar as in-service teachers recruited prior to enactment of the RTE Act and having more than 5 years to retire on superannuation are concerned, they shall be under an obligation to qualify the TET within 2 years from date in order to continue in service. If any of such teachers fail to qualify the TET within the time that we have allowed, they shall have to quit service. They may be compulsorily retired; and paid whatever terminal benefits they are entitled to. We add a rider that to qualify for the terminal benefits, such teachers must have put in the qualifying period of service, in accordance with the rules. If any teacher has not put in the qualifying service and there is some deficiency, his/her case may be considered by the appropriate department in the Government upon a representation being made by him/her.</p> <p><b>218.</b> 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</p>

		<p><i>their candidature.</i></p> <p><i>Therefore, in view of the above the existing teachers need to qualify TET. The Hon'ble Supreme Court while exercising the powers under Art. 142 of the Constitution of India has carved an exception with regard to the in-service teachers who have less than 5 years service left as provided in para 216 of the judgment as submitted above.</i></p>
5.	<p><i>Whether the TET requirement is applicable to private schools, except for minority institutions, which are temporarily exempted until a larger Bench decides on the applicability of the Right to Education (RTE) Act.</i></p>	<p><i>The answer to the said question is provided under Para 214 of the judgment in Para 214 which provides as under:-</i></p> <p><b>214</b> . <i>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.</i></p> <p><i>As such those in-service candidates who have less than 5 years service left have been exempted from qualifying TET for continuation except where such teachers seek promotion in which case the qualifying of TET shall be mandatory as laid down in Para 216 of the judgment.</i></p>
6.	<p><i>Whether the TET requirement is retrospectively applicable to teachers appointed before and after the introduction of TET in 2010.</i></p>	<p><i>In this regard, it is stated that requirement of TET is applicable from the date it was introduced to all teachers as per the scheme of RTE Act, and all those in-service teachers (except those having less than 5 years left) are required to qualify TET even if appointed before the enactment of RTE Act.</i></p>
7.	<p><i>Whether minority institutions are temporarily exempted from the TET requirement, pending further judicial review.</i></p>	<p><i>Yes the minority institutions have been exempted till reference is decided by the Larger Bench.</i></p>

Now, therefore, in exercise of the powers vested in the Government and in compliance with the directions of the Hon'ble Supreme Court of India, it is hereby ordered as under:

1. The Secretary, Jammu and Kashmir Board of School Education / State School Standards Authority (SSSA) is hereby designated as Nodal Agency for Conducting Teachers Eligibility Test (TET) for the Union Territory of Jammu & Kashmir, with immediate effect.
2. The Jammu and Kashmir Board of School Education / SSSA shall:

- i. Take immediate necessary steps for operationalization of the TET examination framework in accordance with the Action Plan formulated in the meeting dated 30.10.2025.
  - ii. Develop and notify a detailed schedule for conduct of TET.
  - iii. Coordinate with NIC, School Education Department, Higher Education Department, Home Department, and other concerned authorities for logistical, technical and security arrangements.
  - iv. Ensure alignment of syllabus and examination standards with the guidelines of the National Council for Teacher Education (NCTE), with suitable contextual modifications.
3. The Secretary, J&K BOSE/SSSA shall furnish a comprehensive Action Plan, including timelines and preparatory status, to the School Education Department within shortest possible time.

**By order of the Government of Jammu and Kashmir.**

**Sd/-**  
(R.N Sharma) IAS  
Commissioner/Secretary to the Government  
School Education Department

**No: Edu-LGL0Jmu(Cou)/17/2025-01SED (7682899)**

**Dated: 23.02.2026**

Copy to the:-

1. Joint Secretary (JK&L) Ministry of Home Affairs, Government of India,
2. Project Director, Samagra Shiksha, J&K for information.
3. Director School Education Jammu/Kashmir for information.
4. Director, Archives, Archives and Museums, J&K.
5. Chairman, Jammu and Kashmir Board of School Education / State School Standards Authority (SSSA) for information
6. OSD with Hon'ble Minister for School Education.
7. All Chief Education Officers of Jammu/Kashmir Division.
8. Private Secretary to Chief Secretary, UT of J&K.
9. Private Secretary to Commissioner/Secretary to the Government, School Education Department.
10. I/C Website for uploading the same on official website.
11. Government Order File/ Concerned File (w.2.s.c).

**(Thannaji Bhat)**

Under Secretary to the Government  
School Education Department