

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 8140/2024

MANOJ KUMAR SHARMA & ORS.

Appellant(s)

VERSUS

THE STATE OF RAJASTHAN & ORS.

Respondent(s)

WITH

C.A. No. 8144-8145/2024

C.A. No. 8141-8143/2024

C.A. No. 7404-7406/2024

C.A. No. 8497-8499/2024

O R D E R

1. Heard learned counsel appearing for the parties and perused the materials on record.
2. Applications (IA 234082/2023 seeking impleadment and IA 234487/2023 seeking intervention) are allowed.
3. The Director of Primary Education, State of Rajasthan, issued an Advertisement on 31.07.2018 calling for applications from candidates having prescribed qualifications for direct recruitment to the post of Teacher Grade III (Special Education) Level II. The Advertisement indicated the availability of 268 posts for recruitment. As per the advertisement, the qualification required for the Teacher Grade III (Special Education) Level II in Special Education was "Graduation with at

least 50% marks and a 1-year Bachelor in Education (B.Ed.) (Special Education)".

4. The appellants, believing they were qualified and eligible for appointment applied for the post.

5. On 03.09.2018, after scrutinising the applications, the respondent(s) issued cut-off marks for the post for each subject. The respondents thereafter issued a list of provisionally selected candidates vide order dated 04.09.2018 for verification of documents. On 26.09.2018, the respondent(s) passed an order directing that the candidates having a one-year Diploma in Special Education are ineligible for the appointment to the post of Teacher Grade III Level II Special Education.

6. Challenging the said order, the appellants filed a Writ Petition before the High Court, which came to be dismissed by the learned Single Judge on 20.01.2020, and also by the Division Bench of the High Court vide the order dated 14.12.2022 impugned before us.

7. It is the appellant's case that there is no doubt about the prescription of the qualifications, which in clear terms provides that candidates must possess a B.Ed. (Special Education). However, they would contend that the prescribed qualification is equivalent to a Post Graduate Professional Diploma in Special Education pursued alongside B.Ed. (General Education).

8. Mr. Rishi Malhotra, learned Senior Counsel appearing for the appellants, relied upon the judgment

passed in *Pritam Kumar Tak vs. State of Rajasthan*¹ and *Rajni vs. State of Rajasthan*². Relying on these judgments, Mr. Malhotra argued that it is already settled by at least two judgments of the Rajasthan High Court that Rehabilitation Council of India ('RCI'), established under the Rehabilitation Council of India Act, 1992, is the competent authority for prescribing qualifications for the appointment of special education teachers. He therefore relied on the office order dated 20.04.2009, issued by the RCI declaring the equivalence of degrees. It is argued that the division bench of the High Court therefore erred in following another judgment of the same High Court in *Sarita Sharma vs. State of Rajasthan*³.

9. We have also heard the Ld. Counsel for the State of Rajasthan and Ms. Manisha Karia, learned senior counsel for NCTE.

10. The short issue arising for consideration is whether the qualification of the appellants, who possess a B.Ed. (General Education) along with a post-graduate professional diploma in Special Education, is equivalent to the prescribed qualification, i.e., graduation and B.Ed. (Special Education).

11. The answer to this question is simple and straightforward for the following reasons;

¹ S.B. Civil Writ Petition No.14481 of 2012 decided on 26.08.2014.

² S.B. Civil Writ Petition No. 17833 of 2018 decided in February 2019.

³ S.B. Civil Writ Petition No. 20022 of 2012, decided on 22.02.2013.

a. It is an admitted fact that the advertisement which is issued is intended for the recruitment of Special Education Teachers. Recruitment of teachers intended for special education is governed by the RCI Act, a special statute, the regulator of which is the Rehabilitation Council of India, which has a statutory status.

b. The council has already issued an order dated 20.04.2009 indicating that B.Ed. (General Education) coupled with Diploma (special education) shall be treated as an equivalent degree to B.Ed. (Special Education) i.e., the prescribed qualification in the impugned notification.

c. It is also clear that the NCTE, which is the statutory body with respect to school education, has recognised the special role performed by the RCI as regards the regulatory measures needed to be taken for the requirement of special educators. In this very context, a Memorandum of Understanding (MoU) between NCTE and RCI was entered into on 08.04.2015.

d. In Civil Appeal Nos. 8144-8145/2024, 8141-8143/2024 and 8497-8499/2024, we are informed that there is also a letter dated written by NCTE stating that qualifications relating to the appointment of Special Educators are as prescribed by RCI vide its circular dated 11.04.2017.

12. From the MoU, it becomes clear that NCTE has, in fact, collaborated with RCI and has entered into an agreement to ensure that, insofar as general education is concerned, the prescription of NCTE should be followed and insofar as schools for special education are concerned, the prescription of RCI should be followed. The decision of the Rajasthan High Court in *Pritam Kumar Tak (supra)* and *Rajni (supra)* are on the same line.

13. Mr. Rishi Malhotra, learned senior counsel, has also brought to our notice the decision of this Court in *Rajnish Kumar Pandey v. Union of India*⁴ which emphasises the role of RCI in the domain of special education.

14. In view of the above, we are of the opinion that there is no difficulty for the State Government in considering the case of the appellants who possess a B.Ed. (General Education) along with a one-year Post Graduate Professional Diploma in Special Education (PG PD-SE) as equivalent to the prescribed qualification in the advertisement.

15. We are aware of the fact that the advertisement was issued way back on 31st July, 2018, and the process of recruitment would have been over by now. However, if there are any vacancies left, we direct the respondents to consider the case of the appellants and pass necessary orders within 30 days from the date of receipt of a copy of this order.

16. The appeals are accordingly disposed of.

17. Pending application(s), if any, shall stand closed.

.....J.
(PAMIDIGHANTAM SRI NARASIMHA)

.....J.
(ATUL S. CHANDURKAR)

New Delhi
24-09-2025

ITEM NO.122

COURT NO.7

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 8140/2024

MANOJ KUMAR SHARMA & ORS.

Appellant(s)

VERSUS

THE STATE OF RAJASTHAN & ORS.

Respondent(s)

IA No. 104165/2023 - EXEMPTION FROM FILING O.T.

IA No. 104164/2023 - INTERVENTION/IMPLEADMENT

WITH

C.A. No. 8144-8145/2024 (XV)

IA No. 88832/2023 - EXEMPTION FROM FILING O.T.

C.A. No. 8141-8143/2024 (XV)

IA No. 69440/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 234489/2023 - EXEMPTION FROM FILING O.T.

IA No. 234083/2023 - EXEMPTION FROM FILING O.T.

IA No. 69443/2023 - EXEMPTION FROM FILING O.T.

IA No. 234487/2023 - INTERVENTION APPLICATION

IA No. 234082/2023 - INTERVENTION/IMPLEADMENT

IA No. 69433/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

C.A. No. 7404-7406/2024 (XV)

IA No. 134323/2023 - EXEMPTION FROM FILING O.T.

C.A. No. 8497-8499/2024 (XV)

IA No. 190404/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 190405/2023 - EXEMPTION FROM FILING O.T.

IA No. 190408/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 24-09-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Appellant(s): Ms. Sanjana Saddy, AOR

Mr. Sanyat Lodha, AOR

Mr. Himanshu Jain, Adv.

Mr. Sandeep Malik, Adv.

Mr. Ajit Kumar, Adv.

Mr. Ajay Kumar Singh Yadav, Adv.

Mr. Bhim Kishore, Adv.

Ms. Shipra Yadav, Adv.

Mr. Gourav Kumar, Adv.

Ms. Anu, Adv.

Mr. Amit, AOR

Mr. Rishi Malhotra, Sr. Adv.

Ms. Ansuiya, Adv.

Mr. Shivaansh Maini, Adv.

Mr. Prem Malhotra, AOR

For Respondent(s):

Mr. Sanyat Lodha, AOR

Ms. Nidhi Jaswal, AOR

Mr. Divyank Panwar, Adv.

Mr. Vikrant Narayan Vasudeva, AOR

Mr. Manish Kumar, Adv.

Mr. Sarthak Chiller, Adv.

Mr. Rohit Lochav, Adv.

Ms. Manisha T. Karia, Sr. Adv.

Ms. Geetanjali Mohan, AOR

Ms. Ananya Arora, Adv.

Ms. Shreya Gupta, Adv.

Mr. Deepin Deepak Sahni, Adv.

Mr. Varun Khetwani, Adv.

Mr. Vishal Navale, Adv.

Ms. Saumya Tiwari, Adv.

UPON hearing the counsel the Court made the following

O R D E R

- 1. Applications (IA 234082/2023 seeking impleadment and IA 234487/2023 seeking intervention) are allowed.**

2. The appeals are disposed of in terms of the signed order.

3. Pending application(s), if any, shall stand closed.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(signed order is placed on the file)

(NIDHI WASON)
COURT MASTER (NSH)