

ITEM NO.16 + 59

COURT NO.16

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

Petition(s) for Special Leave to Appeal (C) No(s).6783/2023

(Arising out of impugned final judgment and order dated 14-12-2022 in DBSAW No.151/2022 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

MANOJ KUMAR SHARMA & ORS.

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ORS.

Respondent(s)

(IA No.68131/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.68132/2023-EXEMPTION FROM FILING O.T.)

WITH

SLP(CIVIL) Diary No(s).10977/2023

[IA No.69436/2023-CONDONATION OF DELAY IN FILING and IA No.69444/2023-ADDITION / DELETION / MODIFICATION PARTIES and IA No.69440/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.69443/2023-EXEMPTION FROM FILING O.T. and IA No.69433/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 10-04-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Rishi Malhotra, AOR
Mr. Jaydip Pati, Adv.

Mr. Sanyat Lodha, AOR
Ms. Sanjana Saddy, Adv.
Ms. Hima Bhardwaj, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Heard Mr. Rishi Malhotra, learned counsel appearing for the petitioner. It is submitted that the issue to be considered is whether it is the National Council for Teacher Education (NCTE) or the Rehabilitation Council of India (RCI) who is competent to

prescribe the qualification for appointment of Special Education Teachers.

Adverting to the view taken by the Single Judge in the case of *Pritam Kumar Tak vs. State of Rajasthan (S.B. Civil Writ Petition No.14481 of 2012 decided on 26.08.2014)* which is affirmed by the Division Bench on 23.05.2017, the petitioners would contend that although the said decision was brought to the notice of the High Court, the learned Judge took the view that NCTE is the only and final authority to prescribe the qualification for appointment of Special Education Teachers. Additionally, the counsel would rely upon the decision in the case of *Rajneesh Kumar Pandey & Ors. vs. Union of India & Others* reported in 2021 SCC OnLine SC 1005.

Issue notice, returnable in six weeks.

IA No.69444/2023 for deletion of proforma respondents is allowed at the risk of the petitioners.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR