

ITEM NO.36

COURT NO.8

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No.132/2016

RAJNEESH KUMAR PANDEY & ORS.

Petitioners

VERSUS

UNION OF INDIA & ORS.

Respondents

MR. RISHI MALHOTRA (AMICUS CURIAE)
[TO BE TAKEN UP AT 3:30 P.M.]

WITH

Diary No(s). 51301/2025 (X)

Diary No(s). 52515/2025 (X)

Diary No(s). 54064/2025 (X)

Diary No(s). 57696/2025 (X)

CONMT.PET.(C) No. 591/2022 in W.P.(C) No. 132/2016 (X)

I.A. No.160599/2025-CLARIFICATION/DIRECTION

I.A. No.5723/2023-EXEMPTION FROM FILING O.T.

I.A. No.157707/2022-EXEMPTION FROM FILING O.T.

I.A. No.160600/2025-EXEMPTION FROM FILING O.T.

I.A. No.136828/2022-EXEMPTION FROM FILING O.T.

I.A. No.156275/2024-EXEMPTION FROM FILING O.T.

I.A. No.31726/2023-INTERVENTION/IMPLEADMENT

I.A. No.5722/2023-INTERVENTION/IMPLEADMENT

I.A. No.156274/2024-INTERVENTION/IMPLEADMENT

I.A. No.156466/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES

CONMT.PET.(C) No. 856/2023 in W.P.(C) No. 132/2016 (X)

I.A. No.62867/2023-EXEMPTION FROM FILING O.T.

Diary No(s). 10073/2024 (X)

I.A. No.75509/2024-CONDONATION OF DELAY IN FILING

I.A. No.55972/2024-EXEMPTION FROM FILING O.T.

Diary No(s). 27076/2024 (X)

I.A. No.133338/2024-CONDONATION OF DELAY IN FILING

I.A. No.133339/2024-EXEMPTION FROM FILING O.T.

Diary No(s). 40533/2024 (X)

I.A. No.201178/2024-CONDONATION OF DELAY IN FILING

I.A. No.157415/2025-INTERVENTION/IMPLEADMENT

I.A. No. 243939/2024-INTERVENTION/IMPLEADMENT

CONMT.PET.(C) Nos.589-591/2025 in W.P.(C) No.132/2016 (X)

I.A. No.189103/2025-INTERVENTION/IMPLEADMENT

CONMT.PET.(C) No.554-556/2025 in W.P.(C) No.132/2016 (X)

CONMT.PET.(C) Nos.520-522/2025 in W.P.(C) No.132/2016 (X)

I.A. No.156720/2025-EXEMPTION FROM FILING O.T.

CONMT.PET.(C) No. 603-605/2025 in W.P.(C) No. 132/2016 (X)

IA No. 167407/2025 - EXEMPTION FROM FILING O.T.

Diary No(s). 44233/2025 (X)

I.A. No.190229/2025-CONDONATION OF DELAY IN FILING

I.A. No.219743/2025-INTERVENTION/IMPLEADMENT

Diary No(s). 46686/2025 (X)

I.A. No.202571/2025-CONDONATION OF DELAY IN FILING

I.A. No.202570/2025-EXEMPTION FROM FILING O.T.

Diary No(s). 46953/2025 (X)

I.A. No.211158/2025-CONDONATION OF DELAY IN FILING

I.A. No.211159/2025-EXEMPTION FROM FILING O.T.

Diary No(s). 47542/2025 (X)

I.A. No.208201/2025-CONDONATION OF DELAY IN FILING

Diary No(s). 50342/2025 (X)

IA No.221053/2025 - CONDONATION OF DELAY IN FILING

Diary No(s). 50639/2025 (X)

I.A. No.222174/2025-CONDONATION OF DELAY IN FILING

W.P.(C) No.876/2017 (X)

I.A. No.29329/2018-EXEMPTION FROM FILING O.T.

I.A. No.7557/2019-INTERVENTION/IMPLEADMENT

I.A. No.29969/2018-INTERVENTION/IMPLEADMENT

W.P.(C) No. 1099/2023 (X)

FOR ADMISSION

Diary No(s). 46243/2024 (X)

I.A. No.230583/2024-CONDONATION OF DELAY IN FILING

I.A. No.230575/2024-EXEMPTION FROM FILING O.T.

Diary No(s). 51158/2024 (X)

I.A. No.252704/2024-CONDONATION OF DELAY IN FILING
I.A. No.272685/2024-INTERVENTION/IMPLEADMENT

Diary No(s). 10426/2025 (X)

I.A. No.52265/2025-CONDONATION OF DELAY IN FILING
I.A. No.52273/2025-EXEMPTION FROM FILING O.T.
I.A. No.72760/2025-INTERVENTION/IMPLEADMENT

Diary No(s). 12749/2025 (XVI)

I.A. No.164101/2025-CLARIFICATION/DIRECTION
I.A. No.85261/2025-CONDONATION OF DELAY IN FILING
I.A. No.164103/2025-EXEMPTION FROM FILING O.T.
I.A. No.85262/2025-EXEMPTION FROM FILING O.T.

SLP(C) No.16838/2025 (XIV)

I.A. No.146998/2025-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
I.A. No.147198/2025-INTERVENTION/IMPLEADMENT

Date : 25-11-2025 These matters were called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

1. Mr. Rana Mukherjee, learned senior counsel appearing for the State of Uttar Pradesh, has invited our attention to the judgment of this Court in ***Rajneesh Kumar Pandey & Ors. v. Union of India***¹ and has sought to impress upon us that Teacher's Eligibility Test², to be conducted by the appropriate Government in accordance with the guidelines framed by the National Council for Teacher Education, has been acknowledged as the minimum educational qualification for becoming an Educator for Classes Pre-school-V (Pre School to Primary Stage).

2. This is absolutely contrary to the impression that we were carrying till date. We were under the impression that in terms of the order dated 07th March, 2025 passed by a coordinate bench of this Court, any candidate or person

¹ (2021) 17 SCC 1

² TET

aspiring to be appointed as a Special Educator was mandatorily required to obtain the Rehabilitation Council of India³ qualification.

3. However, Mr. Rishi Malhotra, learned amicus curiae has also drawn our attention to an earlier order of this Court dated 21st July, 2022 where circular dated 10th June, 2022 issued by the Government of India, Ministry of Education, Department of School Education and Literacy has been referred to. It also, *inter alia*, refers to CTET/TET/NTA score + demonstration of Class room teaching + interview, as part of the recruitment process.

4. It is not in dispute that proceeding on the basis that RCI is the mandatory qualification, some of the States have issued notification commencing selection processes without, however, mentioning that TET is also a requisite qualification.

5. We need to ascertain from the National Council for Teacher Education⁴ the position of statutory rules/guidelines, as they stand today, with regard to the necessity to clear TET by persons seeking to become Special Educators; if yes, whether wide publication of such necessity has been given or not.

6. NCTE be impleaded as an additional respondent in the lead matter.

7. Issue notice, returnable on 02nd December, 2025.

8. Learned amicus curiae shall place before us a complete set of the notifications issued by various States initiating selection process without specifying TET as a requisite qualification.

9. If any selection process is on the verge of completion, we make it clear that no candidate shall be appointed unless he/she possesses the TET qualification.

³ RCI

⁴ NCTE

10. Ms. Kunika, learned counsel appearing for the impleader(s) makes a complaint that despite the earlier order dated 28th October, 2025, Delhi Government has not published results of selection pursuant to the advertisements dated 20th July, 2022 and 31st July, 2023. Ms. Neha Singh, learned counsel appearing on behalf of Delhi Government, on instructions, assures the Court that the merit list will be published within two weeks from date.

11. We require the list to be placed before this Court on the next date.

12. Re-list on 02nd December, 2025 at 03:00 p.m.

13. Due to paucity of time, the cases relating to the States of West Bengal, Odisha could not be taken up today. We propose to hear the said States on the next date.

(RASHMI DHYANI PANT)
ASST. REGISTRAR-CUM-PS

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)