

ITEM NO.10

COURT NO.1

SECTION X

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

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

RAJNEESH KUMAR PANDEY & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH W.P. (C) No.876/2017 (X)  
(FOR ADMISSION)

Date : 23-10-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr.K.Parameshwar, Adv.  
Mr.Prashant Shukla, Adv.  
Mr.Satyajeet Kumar, AOR

For Respondent(s) Mr.A.K.Panda, Sr.Adv.  
Mr.Amit Sharma, Adv.  
Mr.Vijay Prakash, Adv.  
Mr.Gurmeet Singh Makker, AOR

Ms.Aishwarya Bhati, AAG  
Mr.Anuvrat Sharma, AOR  
Ms.Alka Sinha, Adv.

Mr.N.M.Popli, Adv.  
Ms.Anuja Saxena, Adv.  
Mr.V.M.Popli, Adv.  
Ms.B. Sunita Rao, AOR

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

It is submitted by Ms.Aishwarya Bhati, learned Additional Advocate General for the State of Uttar Pradesh that the State is committed to impart education to the children with special needs. On the previous occasion, a statement was made that the State had already commenced the procedure for engaging 12,000 teachers out of which some shall be the teachers for children with special needs.

Having heard Mr.K.Parameshwar, learned counsel for the petitioner and Ms.Aishwarya Bhati, learned Additional Advocate General for the State of Uttar Pradesh, we are of the *prima facie* view that the children with special needs have to be imparted education not only by special teachers but there has to be special schools for them. Access to education has already been regarded as a Fundamental Right as per Article 21A of the Constitution. There is a statutory obligation under the Rights of Children to Free and Compulsory Education Act, 2009. It is impossible to think that the children who are disabled or suffer from any kind of disability or who are mentally challenged can be included in the mainstream schools for getting education. When we say 'disability', we do not mean 'disability' as has been defined in the Rights of Persons with Disabilities Act, 2016. The Rights of Persons with Disabilities Act, 2016 includes certain physical disabilities which may not be a warrant for getting admission in special schools. The students who suffer from blindness, deafness and autism or such types of disorder may be required to have separate schools with distinctly trained teachers.

The State shall file an affidavit keeping our observations in view within four weeks. Needless to say that the affidavit shall also mention when the State is going to meet this obligation.

List on 27.11.2017.

(SATISH KUMAR YADAV)  
AR-CUM-PS

(H.S. PARASHER)  
ASSISTANT REGISTRAR