

ITEM NO.11

COURT NO.8

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 &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

[TO BE TAKEN UP AT 3.00 P.M.]

WITH

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

IA No. 277287/2025 - CLARIFICATION/DIRECTION

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

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

IA No. 239359/2025 - CONDONATION OF DELAY IN FILING

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

IA No. 254489/2025 - CONDONATION OF DELAY IN FILING

IA No. 254498/2025 - EXEMPTION FROM FILING O.T.

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

IA No. 160599/2025 - CLARIFICATION/DIRECTION

IA No. 5723/2023 - EXEMPTION FROM FILING O.T.

IA No. 157707/2022 - EXEMPTION FROM FILING O.T.

IA No. 160600/2025 - EXEMPTION FROM FILING O.T.

IA No. 136828/2022 - EXEMPTION FROM FILING O.T.

IA No. 156275/2024 - EXEMPTION FROM FILING O.T.

IA No. 156274/2024 - INTERVENTION/IMPLEADMENT

IA No. 31726/2023 - INTERVENTION/IMPLEADMENT

IA No. 5722/2023 - INTERVENTION/IMPLEADMENT

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

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

IA No. 297046/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 62867/2023 - EXEMPTION FROM FILING O.T.

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

IA No. 75509/2024 - CONDONATION OF DELAY IN FILING

IA No. 55972/2024 - EXEMPTION FROM FILING O.T.

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

IA No. 133338/2024 - CONDONATION OF DELAY IN FILING

IA No. 133339/2024 - EXEMPTION FROM FILING O.T.

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

IA No. 210700/2025 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 201178/2024 - CONDONATION OF DELAY IN FILING  
 IA No. 200950/2025 - INTERVENTION/IMPLEADMENT  
 IA No. 157415/2025 - INTERVENTION/IMPLEADMENT  
 IA No. 243939/2024 - INTERVENTION/IMPLEADMENT

CONMT.PET.(C) No. 589-591/2025 in W.P.(C) No. 132/2016 (X)  
 IA No. 281751/2025 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 15253/2026 - INTERVENTION/IMPLEADMENT  
 IA No. 309336/2025 - INTERVENTION/IMPLEADMENT  
 IA No. 285356/2025 - INTERVENTION/IMPLEADMENT  
 IA No. 269600/2025 - INTERVENTION/IMPLEADMENT  
 IA No. 244205/2025 - INTERVENTION/IMPLEADMENT  
 IA No. 189103/2025 - INTERVENTION/IMPLEADMENT  
 IA No. 38065/2026 - INTERVENTION/IMPLEADMENT

CONMT.PET.(C) No. 554-556/2025 in W.P.(C) No. 132/2016 (X)  
 IA No. 269063/2025 - EXEMPTION FROM FILING O.T.

CONMT.PET.(C) No. 520-522/2025 in W.P.(C) No. 132/2016 (X)  
 IA No. 156720/2025 - EXEMPTION FROM FILING O.T.  
 IA No. 282001/2025 - INTERVENTION/IMPLEADMENT

CONMT.PET.(C) No. 603-605/2025 in W.P.(C) No. 132/2016 (X)  
 IA No. 167407/2025 - EXEMPTION FROM FILING O.T.  
 IA No. 273417/2025 - INTERVENTION/IMPLEADMENT

Diary No(s). 44233/2025 (X)  
 IA No. 190229/2025 - CONDONATION OF DELAY IN FILING  
 IA No. 219743/2025 - INTERVENTION/IMPLEADMENT

Diary No(s). 46686/2025 (X)  
 IA No. 202571/2025 - CONDONATION OF DELAY IN FILING  
 IA No. 202570/2025 - EXEMPTION FROM FILING O.T.

Diary No(s). 46953/2025 (X)  
 IA No. 211158/2025 - CONDONATION OF DELAY IN FILING  
 IA No. 211159/2025 - EXEMPTION FROM FILING O.T.

Diary No(s). 47542/2025 (X)  
 IA 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)  
 IA No. 305372/2025 - APPROPRIATE ORDERS/DIRECTIONS  
 IA No. 222174/2025 - CONDONATION OF DELAY IN FILING  
 IA No. 305373/2025 - EXEMPTION FROM FILING O.T.

W.P.(C) No. 876/2017 (X)  
 IA No. 326913/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 29329/2018 - EXEMPTION FROM FILING O.T.  
 IA No. 327086/2025 - INTERVENTION/IMPLEADMENT  
 IA No. 7557/2019 - INTERVENTION/IMPLEADMENT  
 IA No. 29969/2018 - INTERVENTION/IMPLEADMENT

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

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

IA No. 230583/2024 - CONDONATION OF DELAY IN FILING  
 IA No. 230575/2024 - EXEMPTION FROM FILING O.T.  
 IA No. 37532/2026 - INTERVENTION/IMPLEADMENT  
 IA No. 2518/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/  
 ANNEXURES

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

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

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

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

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

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

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

IA No. 326918/2025 - CLARIFICATION/DIRECTION  
 IA No. 146998/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
 JUDGMENT  
 IA No. 265960/2025 - INTERVENTION/IMPLEADMENT  
 IA No. 222659/2025 - INTERVENTION/IMPLEADMENT  
 IA No. 147198/2025 - INTERVENTION/IMPLEADMENT  
 IA No. 285364/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/  
 ANNEXURES  
 IA No. 222661/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION

Diary No(s). 73405/2025 (X)

IA No. 332877/2025 - APPLICATION FOR PERMISSION  
 IA No. 23780/2026 - EXEMPTION FROM FILING O.T.

Diary No(s). 6331/2026 (X)

IA No. 33811/2026 - APPLICATION FOR EXEMPTION FROM FILING THE  
 RESIDENTIAL ADDRESS OF RESPONDENT/CONTEMNOR WITH AFFIDAVIT  
 IA No. 33812/2026 - CONDONATION OF DELAY IN FILING  
 IA No. 33810/2026 - EXEMPTION FROM FILING O.T.  
 SLP(C) No. 1607-1608/2026 (XII-A)  
 FOR ADMISSION

Date : 12-02-2026 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA  
HON'BLE MR. JUSTICE K.V. VISWANATHAN

MR. RISHI MALHOTRA : LEARNED AMICUS CURAIE

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Mr. Akshay Nautiyal, Adv.

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Mr. Aditya Ranjan, Adv.  
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 Mr. Aritra Thokdar, Adv.  
 Mr. Shivam Kumar, Adv.  
 Ms. Khushi Chopra, Adv.  
 Mr. Virendra Mohan, Adv.  
 Mr. Niranjan Saha, Adv.  
 Mr. Lalit Belwal, Adv.  
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Mr. Manish Singhvi, Sr. Adv.  
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 Mr. Abhishek Towari, Adv.  
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Mr. Sanya Kashyap, Adv.

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

1. In terms of our earlier order, we are considering the cases of the States of West Bengal, Kerala and Telangana today.

**WEST BENGAL:**

2. We have heard learned senior counsel appearing for the respective

parties on the minimum qualifications required for appointment as a Special Educator for Classes I to IV (primary), V to VIII (upper-primary) and IX to X (secondary).

3. Reference has been made to the guidelines for appointment of Special Educators, as extracted in the decision of this Court in ***Rajneesh Kumar Pandey & Ors vs. Union of India & Ors.***<sup>1</sup>. We discern from the guidelines that for appointment as Educators for students studying in classes IX to XII, there is no requirement of the aspiring teachers to qualify the Teachers' Eligibility Test<sup>2</sup> whereas such qualification finds express mention for classes I to VIII. However, according to Mr. Rishi Malhotra, learned Amicus Curiae and Mr. Anand Grover, learned senior advocate appearing for the State of West Bengal, even aspiring teachers for appointment as Special Educators in secondary schools need to have TET qualification.

4. Our attention has also been drawn to a communication dated 10<sup>th</sup> June, 2022 made by the Government of India, Ministry of Education, laying down the norms and standards of pupil - teacher ratio for special schools as well as modalities for recruitment of special education teachers. Under the heading "recruitment process", CTET/TET/NTA score plus demonstration of "Class" has been mentioned.

5. Placing reliance thereon, it is also the contention that TET is required for every Special Educator seeking to impart lessons to students of classes IX to XII.

6. In one of the previous orders, where ***Rajneesh Kumar Pandey*** (supra) was referred, this Court's attention was not drawn to the fact of TET being mentioned as an essential qualification for teachers aspiring to be appointed for classes IX-X.

<sup>1</sup> (2021) 17 SCC 1

<sup>2</sup> TET

7. Be that as it may, we need the Union of India to clear the confusion. We are informed that Ms. Aishwarya Bhati, learned Additional Solicitor General is engaged to represent the Union of India before us. Unfortunately, she is held up in another Court. We, thus, adjourn hearing till 17<sup>th</sup> February, 2026 at 03.30 p.m.

8. Ms. Bhati shall specifically inform us what the essential qualifications are for appointment as special educators in each of the three stages of school education, i.e., primary, upper-primary and secondary. This is imperative because in previous orders, this Court has required even the teachers aspiring for appointment in classes IX-X to be TET qualified. If indeed that is not the requirement of law, there is no reason as to why those aspiring for appointment in classes IX-XII should be TET qualified.

9. Since the State of West Bengal has issued a notification notifying 22<sup>nd</sup> February, 2026 as the date for holding the TET for the primary section, such examination may be conducted and such of the candidates who are willing to participate therein may do so, awaiting further orders of this Court.

### **KERALA**

10. The State of Kerala was required to file an affidavit touching certain points by 31<sup>st</sup> January, 2026.

11. Mr. Raghenth Basant, learned senior counsel appearing for intervenors, complains that no such affidavit has yet been filed by.

12. Mr. Dinesh, learned senior counsel appearing for the State of Kerala, is present in Court. He seeks more time.

13. We require the requisite affidavit to be filed by the State of Kerala by 16<sup>th</sup> February, 2026 positively.

**TELANGANA**

14. An affidavit dated 26<sup>th</sup> July, 2025 has been filed by the State of Telangana. Paragraph 3 of such affidavit refers to certain Government orders which have been issued for filling up 1016 posts of special teachers which comprises of 796 posts in the category of Secondary grade teachers and 220 Special Education Teachers in the “category of School Assistant”.

15. We require the State to clarify what is meant by “category of School Assistant”.

16. It is also found from paragraph 6 of the said affidavit that currently 602 Bhavitha centres are operating under Samagra Shiksha in Telangana where two resource persons are employed on purely contractual basis, as there are no sanctioned posts available. These resource persons work with Children with Special Needs, preparing them for integration into mainstream education and providing therapeutic services. Salary of those resource persons are shared jointly by the State Government and the Central Government following a 60 : 40 sharing pattern under the Scheme.

17. We need to be apprised by the State as to whether the resource persons who have been employed in the Centre possess the qualifications for appointment as special teachers and if so, whether they have been assessed by the Screening Committee constituted for the purpose in terms of the order of this Court dated 7<sup>th</sup> March, 2025.

18. Two weeks’ time is granted to the State of Telangana to file a better affidavit clarifying the above points.

**(JATINDER KAUR)**  
P.S. to REGISTRAR

**(SUDHIR KUMAR SHARMA)**  
COURT MASTER (NSH)

