

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSWrit Petition (Civil) No.132/2016

RAJNEESH KUMAR PANDEY & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(Mr. Rishi Malhotra [Amicus Curie].

IA No. 50471/2021 - APPLICATION FOR PERMISSION

IA No. 37238/2021 - APPLICATION FOR PERMISSION

IA No. 123252/2020 - APPLICATION FOR PERMISSION

IA No. 74824/2021 - APPLICATION FOR PERMISSION

IA No. 190123/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 23736/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 97659/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 174218/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 146547/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 146274/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 16355/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 115912/2018 - CLARIFICATION/DIRECTION

IA No. 21055/2018 - CLARIFICATION/DIRECTION

IA No. 97663/2018 - CLARIFICATION/DIRECTION

IA No. 9/2017 - EXEMPTION FROM FILING O.T.

IA No. 173591/2019 - EXEMPTION FROM FILING O.T.

IA No. 128163/2017 - EXEMPTION FROM FILING O.T.

IA No. 2/2016 - EXEMPTION FROM FILING O.T.

IA No. 16358/2020 - EXEMPTION FROM FILING O.T.

IA No. 30082/2018 - GRANT OF INTERIM RELIEF

IA No. 74820/2021 - GRANT OF INTERIM RELIEF

IA No. 86670/2016 - IA FOR IMPLEADMENT

IA No. 27854/2017 - IMPLEADMENT, DIRECTION, OT

IA No. 98109/2018 - INTERVENTION APPLICATION

IA No. 126356/2017 - INTERVENTION APPLICATION

IA No. 97652/2018 - INTERVENTION APPLICATION

IA No. 30187/2018 - INTERVENTION/IMPLEADMENT

IA No. 129598/2018 - INTERVENTION/IMPLEADMENT

IA No. 146273/2019 - INTERVENTION/IMPLEADMENT

IA No. 16351/2020 - INTERVENTION/IMPLEADMENT

IA No. 74815/2021 - INTERVENTION/IMPLEADMENT

IA No. 146263/2019 - INTERVENTION/IMPLEADMENT

IA No. 74381/2021 - INTERVENTION/IMPLEADMENT

IA No. 107257/2018 - INTERVENTION/IMPLEADMENT

IA No. 98708/2019 - INTERVENTION/IMPLEADMENT

IA No. 190121/2019 - INTERVENTION/IMPLEADMENT

IA No. 21051/2018 - INTERVENTION/IMPLEADMENT

IA No. 12758/2019 - INTERVENTION/IMPLEADMENT

IA No. 173590/2019 - INTERVENTION/IMPLEADMENT

IA No. 174217/2018 - INTERVENTION/IMPLEADMENT
IA No. 146544/2019 - INTERVENTION/IMPLEADMENT
IA No. 97651/2018 - INTERVENTION/IMPLEADMENT
IA No. 6824/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 131315/2018 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 6/2017 - PERMISSION TO FILE ANNEXURES
IA No. 3/2017 - PERMISSION TO FILE ANNEXURES
IA No. 1/2016 - PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH

W.P.(C) No. 876/2017 (X)
(FOR EXEMPTION FROM FILING O.T. ON IA 29329/2018
FOR impleading party ON IA 29969/2018
FOR INTERVENTION/IMPLEADMENT ON IA 29969/2018
FOR impleading party ON IA 7557/2019
FOR INTERVENTION/IMPLEADMENT ON IA 7557/2019
IA No. 29329/2018 - EXEMPTION FROM FILING O.T.
IA No. 7557/2019 - INTERVENTION/IMPLEADMENT
IA No. 29969/2018 - INTERVENTION/IMPLEADMENT)

CONMT.PET.(C) No. 591/2022 in W.P.(C) No. 132/2016 (X)
(FOR ADMISSION and IA No.136828/2022-EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No. 856/2023 in W.P.(C) No. 132/2016 (X)
(FOR ADMISSION and IA No.62867/2023-EXEMPTION FROM FILING O.T.)

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

Date : 05-12-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE C.T. RAVIKUMAR
HON'BLE MR. JUSTICE SANJAY KUMAR

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Ms. Pallavi, Adv.
Ms. Kriti Sinha, Adv.
Mr. Akshat Kulshreshtha, Adv.
Mr. Rajiv Kumar Choudhary, Adv.

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

In Re.: Goa, Jharkhand, Karnataka, Andaman and Nicobar,
Chandigarh, Daman and Diu, Delhi and Puducherry

Access to education has been regarded as a Fundamental Right as per Article 21 of the Constitution of India, 1950. With a view to bring the children who are disabled or suffer from any kind of disability or who are mentally challenged, to the mainstream for giving education, Legislature enacted laws. Evidently, such laws envisaged separate schools with distinctly trained teachers to achieve the avowed purpose of such enactments. This Court issued several orders previously in respect of various issues specifically referred thereunder. Despite the order dated 17.10.2023 of this Court whereunder after taking note of the failure on the part of the States/ Union Territories to place on record affidavits in terms of the earlier order dated 22.08.2023, this Court directed the Chief Secretaries of the respective States and the Union Territories to ensure filing appropriate affidavits in terms of order dated 22.08.2023 within the time stipulated thereunder. That apart, it was ordered that such affidavits should also contain the details such as the number of school in the respective States and Union Territories besides the number of the sanctioned posts and such other details which are furnished as per order dated 22.08.2023. Thereafter, it was cautioned that in case of failure of any State/ Union Territory to file affidavit in terms of the said order, the matter would be taken seriously, taking note of the nature of the issues involved. We find that despite such orders carrying such a caution, some of the States/ Union Territories failed to file affidavits despite the sounding the caution that failure would be viewed seriously and the Chief Secretaries of the respective States/ Union Territories were directed to ensure filing of appropriate affidavits.

We are of the considered view that the failure to file affidavit taking into account the very purpose of enactment *i.e.* the Right to Education Act, 2009, Right of Children to Free and Compulsory Education Act, 2009 and the Right of Persons with Disabilities Act, 2016 and the nature of the pending proceedings, has to be viewed seriously.

In the said circumstances, the Chief Secretaries of the States/ Union Territories mentioned above which failed to comply with the order by filing affidavits in terms of Order dated 17.10.2023 shall appear in person before this Court, without fail, on 06.02.2024.

List the matters on 06.02.2024.

(VIJAY KUMAR)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)