

ITEM NO.1501

COURT NO.3

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)

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. 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. 190123/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 21055/2018 - CLARIFICATION/DIRECTION
 IA No. 97663/2018 - CLARIFICATION/DIRECTION
 IA No. 115912/2018 - CLARIFICATION/DIRECTION
 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. 9/2017 - EXEMPTION FROM FILING O.T.
 IA No. 74820/2021 - GRANT OF INTERIM RELIEF
 IA No. 30082/2018 - 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. 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. 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. 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

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)

Date : 28-10-2021 These petitions were called on for pronouncement
 of judgment today.

For Petitioner(s)

Mr. Shoeb Alam, Adv
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For Respondent(s)

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Mr. Sunil Prem Lalla, Adv
Mr. Gulfeshan Javed, Adv
Mr. Atiqur Rahman Siddiqui, Adv
Mr. Abbula Kalam, Adv
Mr. Dilshad Bohra, Adv
Mr. Ninanda Nair, Adv
Mr. Satish Pandey, AOR

Ms. Ranjeeta Rohatgi, AOR

O R D E R

Hon'ble Mr. Justice A.M. Khanwilkar pronounced the judgment of the Bench comprising His Lordship, Hon'ble Mr. Justice Dinesh Maheshwari and Hon'ble Mr. Justice C.T. Ravikumar.

The operative portion of the reportable judgment is reproduced as under:

"57. In view of the above, a multipronged approach needs to be adopted by the concerned Authorities with immediate effect, *inter alia*, as follows: -

- A. The Central Government must forthwith notify the norms and standards of pupil-teacher ratio for special schools and also separate norms for special teachers who alone can impart education and training to CwSN in the general schools; and until such time, as a stopgap arrangement adopt the recommendations made by the State Commissioner, NCT of Delhi in the case of **Ms. Reshma Parveen**¹ reproduced in paragraph 51 above;
- B. To create commensurate permanent posts as per the just ratio to be specified by the competent authority for the rehabilitation professionals/special teachers who can cater to the needs of CwSN;
- C. To initiate appointment process to fill-in vacancies for the posts so created for rehabilitation professionals/special teachers for being appointed on regular basis. The same shall be completed within six months from the date of this order or before the commencement of academic year 2022-2023, whichever is earlier;
- D. To overcome the shortage of resource persons (rehabilitation professionals/special trained

1 supra at Footnote No. 28

teachers), the training schools/institutions must take steps to augment the number whilst ensuring that the norms and standards specified under the governing laws and regulations including that of the Council for grant of recognition and registration are fulfilled;

- E. Until sufficient number of special teachers becomes available for general schools and special schools, the services of special trained teachers can be availed as itinerant teachers as per the SSS within the school block (cluster schools) to optimize the resource persons and as a stopgap arrangement;
- F. The other teachers and staff in the general schools be given compulsory training and sensitized to handle the CwSN in the general schools, if admitted; and
- G. The authorities may also explore the possibility of merging unviable special schools with relatively viable special schools in the neighbourhood, so as to entail in consolidation of assets and resources for better delivery to the requirements of CwSN.

58. For the nature of observations made and directions issued, it is not limited to the States of Uttar Pradesh and Punjab, but will operate across the country (all States and Union Territories).

59. With a view to ensure that the directions are effectively complied with, we direct the State Commissioners appointed under Section 79 of the 2016 Act in the concerned States/Union Territories to forthwith initiate *suo motu* enquiries regarding compliance and then make recommendation to the appropriate authority (of the concerned State/Union Territory), as may be necessary, so that the authority will be obliged to submit compliance report to the State Commissioner within three months from the date of receipt of recommendation, as mandated under Section 81 of the 2016 Act. The respective State Commissioners may then submit report in respect of compliances/non-compliances within their concerned State/Union Territory to this Court by end of February, 2022, so that further directions, as may be necessary, can be issued by this Court State/Union Territory wise.

60. We are making it amply clear that we are not

deciding on the working conditions of the special teachers and the class of persons represented by the petitioners before this Court.

61. Further, we deem it appropriate to presently issue directions to the State Commissioner(s) (which includes the States of Uttar Pradesh and Punjab), who would be in a better position to ensure that corrective and remedial steps are taken by the concerned State/Union Territory within the timeline specified in this order. If that happens, the relief claimed by the petitioners before this Court would substantially stand redressed. However, we may not be understood to have expressed any final opinion in that regard.

62. The matter be notified in the first week of March, 2022 on a non-miscellaneous day, for consideration of the reports received from the concerned State Commissioners. The Registry shall provide copy of the reports received by it from time to time to the learned *Amicus Curiae* Mr. Rishi Malhotra, Advocate-on-Record who may prepare appropriate chart/table to be presented to the Court on the next date of hearing.

63. Copy of this order be forwarded to the State Commissioner of all the States/Union Territories through email forthwith, for information and necessary action. Copy of this order be also forwarded to the Chief Secretary/Lieutenant Governor/Administrator of the States/Union Territories through email, for information and necessary action.

64. We also issue notice to the Secretary of Department of Empowerment of Persons with Disabilities (DEPwD) – Ministry of Social Justice and Empowerment; and Secretary, Ministry of Education, both Government of India, New Delhi, returnable in the first week of March 2022. They are also expected to take necessary corrective and remedial steps in light of this decision, to the extent applicable, including to issue directions to all concerned for reporting compliance."

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed reportable judgment is placed on the file]

