

ITEM NO.4 Court 5 (Video Conferencing) 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(s). 132/2016

RAJNEESH KUMAR PANDEY & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA No. 123252/2020 - 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. 97663/2018 - CLARIFICATION/DIRECTION
 IA No. 115912/2018 - CLARIFICATION/DIRECTION
 IA No. 21055/2018 - CLARIFICATION/DIRECTION
 IA No. 173591/2019 - EXEMPTION FROM FILING O.T.
 IA No. 128163/2017 - EXEMPTION FROM FILING O.T.
 IA No. 16358/2020 - EXEMPTION FROM FILING O.T.
 IA No. 30082/2018 - GRANT OF INTERIM RELIEF
 IA No. 98109/2018 - INTERVENTION APPLICATION
 IA No. 126356/2017 - INTERVENTION APPLICATION
 IA No. 97652/2018 - INTERVENTION APPLICATION
 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. 146263/2019 - INTERVENTION/IMPLEADMENT
 IA No. 107257/2018 - INTERVENTION/IMPLEADMENT
 IA No. 98708/2019 - INTERVENTION/IMPLEADMENT
 IA No. 190121/2019 - INTERVENTION/IMPLEADMENT
 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)

WITH

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

(FOR
 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. 7557/2019 - INTERVENTION/IMPLEADMENT
 IA No. 29969/2018 - INTERVENTION/IMPLEADMENT)

Date : 04-02-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
 HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Shoeb Alam, Adv.
 Mr. Prashant Shukla, Adv.
 Mr. Suyash Srivastava, Adv.
 Ms. Shreya Mishra, Adv.
 Mr. Madhumay Mishra, Adv.
 Mr. Satyajeet Kumar, AOR

For Respondent(s) Ms. Rashmi Nandakumar, AOR

 Ms. Madhvi Divan, ASG (NP)
 Mr. R. Bala, Sr. Adv.
 Mr. Akshay Amritanshu, Adv.
 Ms. Nidhi Khanna, Adv.
 Mr. Gurmeet Singh Makker, AOR

 Mr. Vinay Garg, AOR

 Mr. Tanmaya Agarwal, AOR

 Mr. Anuvrat Sharma, AOR

 Mr. A. K. Mishra, Sr. Adv.
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 Ms. Anuja Saxena, Adv.
 Mr. V. M. Popli, Adv.
 Mr. S. M. Popli, Adv.

 Mrs. B. Sunita Rao, AOR

 Mr. Ravindra Sadanand Chingale, AOR

 Mr. D. Mahesh Babu, AOR

 Mr. Rishi Malhotra, AOR (A.C.)

 Mr. Satish Pandey, AOR
 Mr. Abdul Qadir, Adv.

Mr. Atiqur Rahman Siddiqui, Adv.
Ms. Geeta Verma, Adv.
Ms. Ninanda Nair, Adv.

Mr. Piyush Dwivedi, AOR

Ms. Uttara Babbar, Adv.
Mr. Manan Bansal, Adv.

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

Heard learned counsel for the petitioner, Mr. Shoeb Alam and Mr. Rishi Malhotra, learned Amicus Curiae.

Amongst other issues, the central point urged by the petitioners is about the obligation of the schools, including of the concerned State Government to ensure appointment of duly qualified special teachers to impart quality training to the child with disability in the ratio enunciated in the central enactments as also the schemes propounded by the Central Government from time to time and service conditions of such teachers.

The incidental issue that needs to be examined is whether the central scheme(s) relied upon by the State can be taken forward if the same is not in consonance with the subsequent enactments in the form of the Right of Children to Free and Compulsory Education Act, 2009, the Rights of Persons with Disability Act, 2016 and the Rehabilitation Council of India Act, 1992.

Needless to observe that the interpretation of the provisions of the stated acts and of the central scheme(s) may have bearing on dispensation to be provided by all the States and the Union Territories.

Resultantly, we deem it appropriate to issue notice to the learned Attorney General for India, returnable on 23.02.2021.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)