

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.32695 of 2015

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Date: 06.01.2015

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Between:

G.Sataiah, S/o Buchaiah, Aged about 50 years,
Occu: working as Inclusive Education Resource
Persons (IERP), Sulthanabad Mandal, Karimnagar,
R/o H.No.5-6-30/2, Maruthi Nagar, Karimnagar,
Karimnagar district, Telangana State and another.

.....Petitioners

And

State of Telangana, rep.by its Secretary, School
Education Department, Secretariat Buildings,
Hyderabad and others.

.....Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Petitioners were engaged as Inclusive Education Resource Persons (IERPs) on contract basis under the Sarva Sikshas Abhiyan Scheme in Rajiv Vidhya Mission Project. The pre-requisite for holding post of Inclusive Education Resource Teachers is, one must hold valid Registration Certificate issued by the Rehabilitation Council of India (RCI). The said certificate is insisted since these teachers are required to identify and train the visually impaired persons. First petitioner was engaged for the first time in the year 2007 and the second petitioner in the year 2002. The nature of the appointment is contractual on a tenure of one year, renewable from time to time. The contracts earlier granted to the petitioners were renewed from time to time.

2. The State Project Director of Sarva Shiksha Abhiyan, vide his proceedings dated 08.07.2015, directed all the Project Officers to verify the registration with RCI before renewal is granted for the academic year 2015-16. It is further ordered that if any IERP does not have renewal of registration with RCI, he may be granted three months time to produce renewed registration certificate. In accordance with the said orders of the State Project Director, the renewal of the contract for the academic year 2015-16 is granted in favour of the petitioners with a condition that they should obtain certificates from the RCI within three months. Challenging those conditions, this writ petition is filed.

3. Having regard to the time granted by the Project Director, the Court directed continuation of the petitioners for further period of eight weeks by order dated 06.10.2015. Though this interim order is not extended further, according to the counsel for petitioners, petitioners

continue to work as Teachers till today. Praying to vacate the said interim order, respondents - Sarva Siksha Abhiyan filed vacate petition.

4. Learned counsel for petitioners contends petitioners have applied for re-evaluation of their certificates to RCI Online on 16.05.2015. But, so far no orders are passed by the RCI. Though petitioners have been persuing with the RCI, so far the renewal is not granted. Thus, for no fault of petitioners, they cannot be thrown out at this stage having rendered satisfactory service. Both the petitioners are visually impaired persons and have been training the visually impaired persons.

5. Learned standing counsel submits that in spite of granting sufficient time, petitioners failed to obtain certificates and a Teacher cannot be engaged unless he has a valid RCI certificate. Since the petitioners failed to submit the renewed RCI certificates, there is no illegality in seeking to dispense services of petitioners.

6. As fairly submitted by the learned standing counsel that the contract of the petitioners is renewed for the year 2015-16 and petitioners are being continued in the same capacity. However, non-submission of renewal certificate from the RCI is staring at the petitioners. As seen from the proceedings of the Project Director, this renewal problem appears to be prevailing in the entire State and having realized that certain teachers were not granted renewal, accommodation is given in their favour for a period of three months. Having regard to such accommodation given by the Project Director, this Court directed for continuation of petitioners and they are continuing for the academic year 2015-16. Apparently, revalidation of the registrations by the RCI is still pending. Having regard to the fact that the renewal is already granted to the petitioners for the present academic year 2015-16, that there is no adverse remark against

petitioners and the fact the petitioners are also visually impaired, I am of the opinion that petitioners deserve to be continued for the present academic year 2015-16. However, it shall be the responsibility of the petitioners to obtain certificates from the RCI as expeditiously as possible, preferably before the completion of their contract period. Unless petitioners produce such renewed certificates, they are not entitled to seek renewal of their contract for the next academic year.

7. The writ petition is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 06.01.2016
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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 32695 of 2015

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Date: 06.01.2016

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