

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.21754 of 2018

ORDER:

The petitioner claims to be a trust-Devnar Foundation for the Blind, established in the year 1992 with a view to render service to impart education and rehabilitation to visually impaired students and other voluntary activities. The school run by the petitioner-institution is providing free boarding, lodging and education to around 500 blind children. The petitioner is an voluntary organisation which is being run by a philanthropist and Chairman of the petitioner institution; recognising the services being rendered for the cause of visually impaired students, the Chairman of the petitioner-institution has been awarded *Padma Shri* for the year 2009; that the petitioner institution diversified into various voluntary activities, which is one of the biggest in the country viz., running a residential English medium school from nursery to 10th class, an English medium junior college for boys and girls with mathematics as one of the optional subject, besides providing access to information and communication with the help of assistive devices; conducting

orientation classes to the teachers in teaching the visually impaired, vocational training and diploma in special education and foundation course through distance mode being offered by the Rehabilitation Council of India and Bhoj (open) University, M.P. That the students of the school also received many awards and rewards to its credit and the institution has been adjudged as the best institution in the country for the year 2002 and the institution is standing as a role model in the country in the area of education to the visually impaired, rehabilitation and empowerment. That some of the students of the petitioner are pursuing higher education in University of Hyderabad, JNU, New Delhi, TATA Institute, Bombay, Osmania University and JNTU, Hyderabad. That the petitioner also established a Braille printing press and brought few general books and particularly school textbooks of all subjects, including Mathematics and Science, for both English and Telugu medium students from classes 1 to 10, in addition to bringing out books, notes, reference material for visually challenged students who want pursue higher education. The petitioner-institution has many other laurels to its credit

for its multi-facet activities for the welfare of the visually challenged students.

The petitioner with a view to start B.Ed Special Education (VI) course for its students, by following the guidelines framed under the Rehabilitation Council of India Act, 1992, submitted an application seeking approval of the respondent to start the said course.

By the impugned proceedings No.17-800/B.Ed.Spl.Ed.(VI)/RCI/2911, dated 23-05-2018, approval to start the B.Ed. Spl. Ed.(VI) course for the academic session 2018-19 was regretted on the ground that the petitioner scored only 05% points and the petitioner-institution is lagging in Research and Development. Hence this writ petition.

Counter affidavit is filed by the respondent wherein it is stated that the Rehabilitation Council of India has been constituted for regulating and monitoring the training of rehabilitation professionals and personnel, promoting research and rehabilitation and special education on matters connected therewith or incidental thereto. That the respondent lays down policy parameters regarding various aspects of training and

education in the field of rehabilitation and all institutions associated with promotion of rehabilitation and special education have to seek recognition under Section 11 of the Act and no rehabilitation professional course can be started by any institute/University without the prior approval of the respondent and only such institutions which are approved are entitled to offer training courses in the field of rehabilitation and special education which is subject to evaluation of the institution, as to its infrastructure, human and other resources by the visiting experts deputed by the respondent. It is stated that the petitioner institution scored 05% points which is less than the minimum criteria prescribed as per the norms and guidelines to permit the petitioner to start B.Ed Special Education (VI) course for its students and, therefore the application of the petitioner had to be regretted for the academic session 2018-19.

Sri Deepak Bhattacharjee, learned senior counsel appearing for the petitioner contended that the norms prescribed under the guidelines to permit to start B.Ed Special Education (VI) course and the various parameters outlined therein have been complied by the petitioner-institution, as is

evident from the joint assessment report submitted by the visiting experts and enclosed with the impugned order, except the parameter of research and development, which the learned counsel states is already existing in the institution for the facility of the students and for this short coming, the petitioner-institution has been awarded 05% points. Learned counsel also stated that the B.Ed Special Education (VI) course, being started for the first time, the question of pre-existing research and development facility does not arise and regretting permission on that ground is illegal and arbitrary, when all other parameters are satisfied by the petitioner-institution.

Learned Assistant Solicitor General appearing for the respondent, on the other hand, contended that the purpose of joint assessment by the visiting experts before granting approval is to achieve par excellence in the courses offered to the visually challenged students. It is also stated that the impugned order is passed having regard to the scores awarded by the visiting experts and, therefore, no interference is warranted and the writ petition is liable to be dismissed.

It to be seen that special education is a major step towards preparing teachers across the country to teach children/students who are visually challenged to blossom to the fullest extent. As seen from the impugned order itself that permission was regretted only on account of the petitioner-institution scored 05% in so far as the facility of research and development is concerned. Learned senior counsel drawn my attention to the equipments/ infrastructure that are being used by the petitioner-institution *viz.*, Canon scanner, pearl scanner, open book, which is a software program that transforms scanned matter into a full featured reading machine besides printing documents into an electronic text format using high-quality speech and latest optical character recognition technology and it is an innovative software designed to enhance success for people who are blind or have low vision, who need access to printed and electronic materials; Win Braille, this program is used to edit text material for printing on a Braille printer and it allows the text to be converted to Braille point fonts; Duxbury Braille translator; tactile graphics machines; swell form machine, 4 x 4 pro Braille embosser, basic-D Braille embosser & basic-D V4

are the infrastructure provided for the facility and convenience of the students. It is also to be seen that at Section-III of the report the visiting experts, in the remarks column stated that the petitioner-institution has experience of more than 36 years in the field of disability area and the institute achieved both State and National recognition. Even in Clause 7 of the report which speaks of research and development it is not mentioned in which areas the institution lagged in research and development infrastructure.

This remarks of the visiting experts appears to be very formal. When such remarks of the visiting experts is forming part of the decision taking to regret permission to the petitioner-institution, the shortcomings on that count should have been specific and it is a curable defect. As contended by the learned senior counsel the availability of pre-existing research and development facility to start the course of B.Ed. Spl. Education (VI) course as it is stated to be a fresh course. This Court is of the *prima facie* view that research and development infrastructure, in the absence of detailing what constitutes research and development infrastructure. It is a curable defect at the hands of the petitioner-institution.

Learned senior counsel also stated that the petitioner-institution has been singled out for such preferential treatment of regretting the permission, when other institutions in the country have been permitted to start B.Ed Spl. Education (VI) course and such a selective method adopted by the respondent is in violation of equality clause enshrined under Article 14 of the Constitution.

In the circumstances, the impugned order requires re-consideration by the respondent. In the circumstances, the respondent is directed to re-consider the application of the petitioner for grant of approval for starting B.Ed Special Education (VI) course for the academic year 2018 -19, since the academic year is started, such application of the petitioner be considered and appropriate orders passed thereon, in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. The writ petition is allowed accordingly. Miscellaneous petitions, if any, pending shall stand closed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

Dated: 17-08-2018
NRG

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



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Dated: 17-08-2018

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