



\$~75

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9159/2024 & CM APPL. 37471/2024**

**NBS COLLEGE OF EDUCATION AND MANAGEMENT AND
ANR**Petitioners

Through: Mr. Amitesh Kumar, Ms. Priti
Kumari & Ms. Mrinal Kishor,
Advocates.

versus

REHABILITATION COUNCIL OF INDIARespondent

Through: Mr. J.P. Nahar, Advocate.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

08.07.2024

%

1. The present writ petition under Article 226 of the Constitution of India, has been filed on behalf of the petitioner, praying as follows:

“a) issue a writ of certiorari or any other suitable writ or order quashing & setting aside the circular dated 08.03.2024 issued by Deputy Director, RCI whereby it has been decided not to consider fresh proposal in respect of D.Ed. Spl.Edu. Course and to return the same alongwith processing fee to the applicant institution; and/or

b) issue a writ of mandamus or any other suitable writ or order or direction to Respondent to process & decide the applications of the petitioner for grant of recognition of D.Ed. Spl. Ed. (Visual Impairment) & D.Ed.Spl.Edu. (Hearing Impairment) Courses in time bound manner for the Academic Session 2024-25”

2. Issue notice. Notice is accepted by Mr. J.P. Nahar, appearing on



behalf of the respondent.

3. The attention of this Court has been invited to a judgment dated 31.05.2024, passed in ***W.P. (C) 5398/2024 and connected matters***, wherein this Court had directed as under:

“80. The reliance, by Ms. Jauhari, on the NEP 2020, is also not wholly convincing. Mr. Sharawat is correct in his submission that Special Educators are specifically dealt with in para 5.21 of the NEP 2020 which expressly recognizes the urgent need to augment the strength of Special Educators. This fact, coupled with the impugned Enhanced Seat Circular dated 8 March 2024, indicates that the dearth of Special Educators and the urgent need to augment the available strength of Special Educators was a consideration to which all were alive. It is for this purpose that existing institutions were permitted to enhance their seat intake for the D.EdSpl.Ed. and B.Ed.Spl.Ed. courses. As the urgent need for additional Special Educators stands thereby expressly expressed and recognized, even considerations of public interest cannot justify return of the petitioners’ applications seeking starting of new D-Ed.SpL.Ed. and B.Ed Spl Ed. courses.

81. The impugned decision to return the petitioners’ applications cannot sought to be justify even on the anvil of NEP 2020.

82. The position in law being clear, I do not deem it necessary to advert to other issues, or to the decisions cited by Mr. Sharawat.

83. The Circulars dated 4 January 2024 and 8 March 2024, which conveyed the decision to return the petitioners’ proposals, is quashed and set aside to the extent it returns the petitioners’ applications. The proposals would therefore be processed in accordance with law.”

4. Learned counsel for the respondent fairly states, that he has no



objection if the present petition is also allowed, in terms of the findings rendered by this Court, in the above-said Judgment, dated 31.05.2024.

5. In view thereof, the writ petition is disposed of with the direction that impugned circular dated 08.03.2024 is set aside and respondent is directed to process the proposals in accordance with law, as held in Para 83 of judgment dated 31.05.2024. Pending application also stands disposed of.

6. Pending application also stands disposed of.

7. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JULY 8, 2024/at

[Click here to check corrigendum, if any](#)