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

+ **W.P.(C) 11699/2024**

**D P R MEMORIAL SPECIAL TEACHER TRAINING
CENTER**

.....Petitioner

Through: **Mr. Sanjay Sharawat and Mr.Ashok
Kumar, Advs.**

versus

REHABILITATION COUNCIL OF INDIARespondent

Through: **Mr. J. P. Nahar and Ms Devyani
Bhardwaj, Advs.**

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

23.08.2024

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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 and quash the decision taken by the Respondent in terms of its communication dated 08.03.2024 [Annexure "P-1 "] by which it has decided not to consider the applications/ proposals of the Petitioner submitted on 15.10.2023 for seeking approval for D.Ed.Spl.Ed (VI) and D.Ed.Spl.Ed (IDD) courses from academic session 2024-25; and

[b] Issue a writ of mandamus and direct the Respondent to process and decide the applications/ proposals of the Petitioner submitted on 15.10.2023 for grant of approval for D.Ed.Spl.Ed (VI) and D.Ed.Spl.Ed (IDD) courses from academic session 2024-25 expeditiously and in a time bound manner”



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.Ed.Spl.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

AUGUST 23, 2024/A

Click here to check corrigendum, if any