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

+ **W.P.(C) 12694/2024**

MADHANI COLLEGE OF SPECIAL EDUCATIONPetitioner

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

versus

REHABILITATION COUNCIL OF INDIARespondent

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

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

10.09.2024

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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 29.09.2023 for seeking approval for D.Ed.Spl.Edu (IDD) course 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 29.09.2023 for grant of approval for D.Ed.Spl.Edu (IDD) course from academic session 2024-25 expeditiously and in a time bound manner.”

2. Issue notice. Notice is accepted by Mr. J.P. Nahar, Advocate 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 the respondent is



directed to process the proposals in accordance with law, as held in Para 83 of judgment dated 31.05.2024.

6. The order be uploaded on the website forthwith.

SEPTEMBER 10, 2024/A

SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any