



\$~73

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

% *Judgment Delivered on: 31.07.2025*

+ **W.P.(C) 2777/2025 & CM APPL. 13182/2025**

MS DEEPANSHI & ORS.

.....Petitioners

Through: Mr. Sanjay Sharawat, Sr. Adv. with
Mr. Ashok Kumar and Mr. Ayush
Aanand, Advs.

Versus

REHABILITATION COUNCIL OF INDIA & ORS....Respondents

Through: Mr. Manish Kumar, Adv. for R-1
& 2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

VIKAS MAHAJAN, J (ORAL)

1. The case set out in the present petition is that petitioners have completed their Diploma in Special Education Course [D.Ed. Spl.Ed (IDD)] from respondent no.3/college. The petitioner nos. 1 to 4 and 6 to 9 had taken admission in respondent no.3/college on the basis of counselling conducted by respondent no.1 i.e. Rehabilitation Council of India (RCI) whereas petitioner nos.4 and 5 had directly taken admission in respondent no.3/college. However, after having completed their course, petitioners are not being registered by respondent no.1/RCI under section 19 of Rehabilitation Council of India Act, 1992 [hereafter referred to as 'Act'] on the pretext that respondent no.3/college was unapproved at the time of their admission.



2. In the year 2014, RCI in exercise of its powers under section 29 of the Act issued regulations called RCI (Conduct of Examinations, Qualifications of Examiners and the Condition of Admission to Examinations) Regulations, 2014 [hereafter referred to as '2014 Regulations'] by virtue of which 'National Board of Examination in Rehabilitation' (NBER) [respondent no.2 herein] was established.
3. After its establishment, NBER/respondent no.2 started conducting All India Online Aptitude Test (AIOAT) for admissions to various courses, including D.Ed. Spl.Ed (IDD) Course.
4. RCI *vide* its circular dated 22.06.2022, invited applications from the candidates for online registration for admission to Diploma Level Courses for Academic Session 2022-24. In response to the said notification, 7 out of 9 petitioners [i.e. petitioner nos.1 to 3 and 6 to 9] registered on RCI portal for appearing in AIOAT – 2022 for seeking admission in D.Ed. Spl.Ed (IDD) Course for the academic session 2022-24 and had chosen Amar Jyoti Foundation (respondent no.3) as their first choice amongst the institutions displayed on the website of RCI.
5. The said seven petitioners appeared in AIOAT and were declared successful. Thereafter, RCI issued online admission counseling schedule, in which the aforesaid 07 petitioners participated. Based on said counseling, RCI portal generated allotment letters in favour of said 07 petitioners and allotted respondent no.3/college to them. Sequel thereto, respondent no.3/college granted admission to the said seven petitioners for pursuing D.Ed. Spl.Ed (IDD) Course.
6. Likewise, petitioner nos.4 and 5, who had not appeared in AIOAT– 2022, took direct admission in respondent no.3/college on the strength of Addendum Circular dated 01.11.2022 issued by RCI, which permitted the



students other than those who were enrolled for AIOAT-2022, to take admission in Diploma Level Courses directly with the colleges notified by RCI on its website.

7. After completing the admission process, RCI published state-wise, institute-wise and course-wise list of candidates admitted to Diploma Level Courses for the Academic Session 2022-23 through the AIOAT-2022 as well as list of candidates who were given direct admission. The names of all the nine petitioners duly find mention in the said list.

8. After taking admission, all petitioners attended classes regularly during first year and thus became eligible for appearing in first year annual exam which were scheduled from 09.09.2023 to 08.10.2023. For the purpose of appearing in said exams, respondent no.2/NBER's online portal generated hall-tickets, which were duly downloaded by all the petitioners. Accordingly, petitioners appeared in first year exam scheduled in September-October 2023, and their results were declared on 16.11.2023. Out of nine, seven petitioners passed in the said exam and remaining two petitioners subsequently appeared in supplementary exams and were also declared pass.

9. After being promoted to second year, all petitioners regularly attended classes in respondent no.3/college and thereafter, took their second year exam conducted by respondent no.2/NBER in June 2024. The petitioners were declared pass and NBER portal generated statement of marks pertaining to petitioners.

10. Subsequently, NBER/respondent no.2 also generated certificates certifying that the petitioners have passed the exams of D.Ed. Spl.Ed (IDD) Course during 2022-24 from respondent no.3/college. Based on the results declared and certificates issued by NBER, respondent no.3/college also



issued certificates of authentication dated 23.12.2024. Significantly, the said certificates also mention the status of approval of respondent no.3/college from respondent no.1/RCI in following words:

“The above mentioned course is recognized by the Rehabilitation Council of India, New Delhi vide their approval order No.17831/D.Ed Spl Ed (IDD) RCI dated 31.12.2019.”

11. After completing the course and upon grant of certificate of having passed qualifying exams, the candidates are required to get themselves registered with RCI under Section 19¹ of the Act. By virtue of Section 13² of the Act, only such candidates who have been enrolled on Central

¹ **19. Registration in Register.**-The Member-Secretary of the Council may, on receipt of an application made by any person in the prescribed manner enter his name in the Register provided that the Member-Secretary is satisfied that such person possesses the recognised rehabilitation qualification:
[Provided that the Council shall register vocational instructors and other personnel working in the vocational rehabilitation centres under the Ministry of Labour on recommendation of that Ministry and recognise the vocational rehabilitation centres as manpower development centres:
Provided further that the Council shall register personnel working in national institutes and apex institutions on disability under the Ministry of Social Justice and Empowerment on recommendation of that Ministry and recognise the national institutes and apex institutions on disability as manpower development centres.]

² **13. Rights of persons possessing qualifications included in the Schedule to be enrolled.**

(1) Subject to the other provisions contained in this Act, any qualification included in the Schedule shall be sufficient qualification for enrolment on the Register.

(2) No person, other than the rehabilitation professional who possesses a recognised rehabilitation qualification and is enrolled on the Register,-

(a) shall hold office as rehabilitation professional or any such office (by whatever designation called) in Government or in any institution maintained by a local or other authority;

(b) shall practice as rehabilitation professional anywhere in India;

(c) shall be entitled to sign or authenticate any certificate required by any law to be signed or authenticated by a rehabilitation professional;

(d) shall be entitled to give any evidence in any court as an expert under section 45 of the Indian Evidence Act, 1872 (I of 1872) on any matter relating to the handicapped:

Provided that if a person possesses the recognised rehabilitation professional qualifications on the date of commencement of this Act, he shall be deemed to be an enrolled rehabilitation professional for a period of six months from such commencement, and if he has made an application for enrolment on the Register within said period of six months, till such application is disposed of.

[(2A) Notwithstanding anything contained in sub-section (2), any person being a doctor or a paramedic in the field of physical medicine and rehabilitation, orthopaedics, ear, nose or throat (ENT), ophthalmology or psychiatry, employed or working in any hospital or establishment owned or controlled by the Central Government or a State Government or any other body funded by the Central or a State Government and notified by the Central Government, may discharge the functions referred to in clauses (a) to (d) of that sub-section.]

(3) Any person who acts in contravention of any provision of sub-section (2) shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.



Rehabilitation Register (CRR) are eligible to hold office as Rehabilitation Professional, and permitted to practice as Rehabilitation Professionals anywhere in the country.

12. Accordingly, the petitioners tried submitting their online applications on CRR portal but were unable to do so despite repeated attempts. Thereafter, petitioners visited RCI's office where they were told that their enrolment cannot take place as respondent no.3/college (from where the petitioners completed their course) was not an approved institute. The petitioners, then, submitted their written representations dated 10.02.2025 to the RCI but there was no response to the same.

13. In this factual backdrop, the present petition has been filed seeking following reliefs:

“[a] Issue and appropriate writ, order or direction and declare that the D.Ed.Spl.Ed (IDD) course completed by the Petitioners from the Respondent No.3 during academic session 2022-24 and consequently the Certificates issued by the Respondent No.1 and 2 to this effect are legal and valid in the eyes of law and that the said qualification obtained by the Petitioners is a recognized rehabilitation qualification under the provisions of the Rehabilitation Council of India Act, 1992 for all intent and purposes; and

[b] Issue a writ of mandamus and direct the Respondent No.1 and 2 to permit and allow the Petitioners to submit their respective applications under section 19 of the Rehabilitation Council of India Act, 1992 for seeking registration as Rehabilitation Professionals, with a further direction to the said Respondents to Register their names in the Central Rehabilitation Register maintained under section 23 of the Act, 1992 on the basis of the recognized rehabilitation qualification obtained and possessed by them in D.Ed.Spl.Ed (IDD) course; and

[c] Award compensation in favor of the Petitioners for the unnecessary hardship and litigation costs incurred due to the Respondents' arbitrary action.”



14. Mr. Sanjay Sharawat, learned Senior Counsel appearing on behalf of petitioners submits that petitioners' application for seeking registration with RCI is not being considered only for the reason that respondent no.3/college was not approved by the RCI at the relevant time of admission of petitioners.

15. He submits that at the relevant time, the name of respondent no.3/college was reflected on the website of RCI as one of the approved colleges, therefore, petitioners had opted for the said college.

16. He submits that 07 out of 09 petitioners were admitted in respondent no.3/college on the basis of counseling and allocation of college made by RCI. Even the examining body of respondent no.1 i.e. respondent no.2/NBER had issued admit cards and had allowed petitioners to take final exams for the first and second year, in which they were eventually declared pass.

17. He further submits that after having passed the said course and issued a certificate to that effect by respondent no.2/NBER, which is an examining body of respondent no.1/RCI, the respondent nos.1 and 2 cannot be permitted to take a stand that respondent no.3/college was not approved at the relevant time.

18. He also places reliance on the decision of Hon'ble Supreme Court in ***Ashok Chand Singhvi v. University of Jodhpur & Ors., (1989) 1 SCC 399***, to contend that the present petitioners are not at fault, therefore, they cannot be put to prejudice in any manner.

19. *Per contra*, Mr. Manish Kumar, learned counsel appearing on behalf of respondent nos.1 and 2 has taken the Court through counter-affidavit filed by respondent nos.1 and 2 wherefrom the stand of the said respondents is borne out. The relevant paragraphs from the counter-affidavit read as under:



“D. That the present Petition ought to be dismissed as the same is not maintainable and the Petitioner is misleading this Hon’ble Court. At the outset, it is humbly submitted that as per mandate stipulated under section 11 of Rehabilitation Council of India Act, 1992, the respondent no.3 has been granted approval to run D.Ed.Spl.Ed. (ID/IDD) for the academic Session 2017-18, 2018-19, 2019-20 and 2020-21 only. Further the respondent no.3 applied for approval for academic session 2021-22 but the same had been regretted and thereafter the respondent no.3 did not even apply for any ‘approval from the Answering respondent. Therefore, it is apparent that the petitioners are victim of fraudulent act of the respondent no.3 who had knowingly admitted the petitioners without having requisite approval of the courses in violation of section 11 of the RCI Act. Copy of status of approval of the respondent no.3 is annexed as Annexure-R/1.

E. That it is pertinent to mention that only those courses conducted by a RCI approved institution are valid which entitles a person to be called as Rehabilitation Professional under section 13 of RCT Act and liable to be registered in Central Rehabilitation Register (CRR). In the present case, the institute does not have any approval to run the said course and illegally took admission thereof which cannot be recognized by the answering respondents in absence of any legal provision and if the petitioners are allowed to be registered in CRR then there would be chaos and bad precedent in society.”

(emphasis supplied)

20. A perusal of the above quoted paragraphs from counter-affidavit shows that respondents have taken a stand that respondent no.3/college had been granted approval to run D.Ed. Spl.Ed (IDD) Course for the Academic Sessions 2017-18 to 2020-21. Further, respondent no.3/college applied for approval for Academic Session 2021-22 but the same was not granted. Thereafter, respondent no.3/college did not even apply for approval from RCI. It is also stated that apparently, the petitioners are victim of fraudulent act of respondent no.3/college, who had knowingly admitted petitioners without having requisite approval of the courses.



21. I have heard Mr. Sanjay Sharawat, as well as, Mr. Manish Kumar. However, none has appeared on behalf of respondent no.3/college despite service.

22. It is not in dispute that seven out of nine petitioners were admitted in respondent no.3/college on the basis of counselling conducted by RCI. Insofar as other two petitioners i.e. petitioner nos.4 and 5 are concerned, they had taken admission directly in respondent no.3/college in terms of Addendum Circular dated 01.11.2022 issued by RCI.

23. It is also an admitted position that names of nine petitioners were reflected in the list of admitted candidates notified on the website of RCI. The petitioners took exams of first and second year, which were conducted by NBER/respondent no.2 i.e. the examination conducting body of RCI. Thereafter, on completion of their two years course, certificates have also been issued to the petitioners by respondent no.2/NBER. Undisputedly, the petitioners possess recognized rehabilitation qualification.

24. However, when the petitioners applied for their registration in terms of section 19 of the Act for being enrolled on CRR on the basis of certificates issued by the respondent no.2/NBER, no action was taken by the RCI. The justification put forth by respondent nos.1 and 2 in counter-affidavit is that respondent no.3/college from which the petitioners had completed their course was not recognized during the period 2022-24 when the petitioners took admission in the said college.

25. Ironically, the respondent nos. 1 and 2 are not recognizing their own certificates only on a technical ground. It is case of the respondent nos. 1 and 2 in the counter affidavit that the petitioners are victim of fraudulent act of respondent no.3, but it has not been controverted by the respondents no.1 and 2 that on the website of RCI, the name of respondent no.3 was being



reflected as approved college and respondent no.3/college was allocated 07 out of 09 petitioners through counselling conducted by the RCI. Clearly, the respondent nos. 1 and 2 are equally to be blamed, and the petitioners are not at fault in any manner.

26. Further, the exams which the petitioners have cleared were conducted by the respondent no.2/NBER, i.e. the examining body created by the RCI under the 2014 Regulations. Therefore, denial of registration to the petitioners after they have successfully completed their course, on the ground that respondent no.3/college was not approved, cannot be accepted by this Court.

27. Furthermore, after having successfully completed their course, if the petitioners are not allowed to be enrolled on CRR, their diploma would be of no use, which will cause immense hardship to them.

28. At this stage, reference can advantageously be made to the decision of Hon'ble Supreme Court in ***Apollo College of Veterinary Medicine vs. Rajasthan State Veterinary Council, (2015) 2 SCC 291*** which was rendered to remedy the wrong suffered by the students in somewhat similar circumstances. In the said case students were admitted in the college pursuant to the open entrance test of Rajasthan Pre-Medical/Rajasthan Pre-Veterinary but the colleges were not recognised. The students had completed their entire course successfully but the said colleges were still not recognised, however, the University which had conducted the exams of the appellants therein was a recognised university. In light of the said facts, the Hon'ble Supreme Court observed that degrees possessed by the students ought to have been treated as valid degrees and accordingly, directed the Central Government to grant recognition to the colleges. The relevant part of the decision reads thus:



“44. It is not in dispute that the students were admitted in the Apollo College pursuant to open entrance test of Rajasthan pre-medical/Rajasthan pre-Veterinary (RPM/RPV). They completed their course and have successfully cleared BVSc & AH examination. The students who have already passed out from the Apollo College are the holders of the basic degree of BVSc & AH granted by the Rajasthan Agricultural University, which is recognised qualification entered in the First Schedule of the Indian Veterinary Council Act, 1984. It is also not in dispute that many of such students who have already passed out are in government service or in private service. The sole ground on which the students of the Apollo College who have passed out BVSc & AH degree examination are treated differently is that the Central Government has not notified the Apollo College and, thereby the College is not included in the First Schedule to the Indian Veterinary Council Act, 1984. Swami Keshwanand Rajasthan Agricultural University, Bikaner is duly established university by statute and it is fully competent to conduct examinations and award BVSc & AH degree. The degree of BVSc & AH granted by the University is included in the First Schedule to the Indian Veterinary Council Act, 1984 as a degree fully recognised by the Veterinary Council of India which is the paramount professional body set up by statute with authority to recognise the medical veterinary qualifications granted by any university.

45. The Division Bench of the High Court, in our opinion, was manifestly in error in holding that since BVSc & AH degree possessed by the students was not one obtained from a recognised college it could not be treated as a valid qualification for the purpose of registration under the Veterinary Council of India (Registration) Regulations, 1992 and for other purpose.

XXXX

XXXX

XXXX

XXXX

47. In the facts and circumstances of the case, we are of the view that the Division Bench of the High Court should have given a possible legal solution in respect to the students who have already passed out from the Apollo College and the Mahatma Gandhi College affiliated to Swami Keshwanand Rajasthan Agricultural University, Bikaner by directing the Central Government to make appropriate amendment in the First Schedule of the Indian



Veterinary Council Act, 1984 so as to include the Apollo College and the Mahatma Gandhi College in the First Schedule for the purpose of recognition of BVSc & AH degree on or before 11.07.2011 insofar as it relates to Apollo College and 08.12.2011 in respect of Mahatma Gandhi College. We direct accordingly. So far as the other students who have been admitted in the Apollo College and the Mahatma Gandhi College and are pursuing their studies are concerned the Central Government is directed to call for a fresh report from the Veterinary Council of India and to pass appropriate order under Section 15(2) read with Section 21(4) of the Indian Veterinary Council Act, 1984. In case it is not possible to recognise the Apollo College and the Mahatma Gandhi College beyond such date as ordered above, the Veterinary Council of India is directed to take steps to transfer the students to some other recognised colleges against their corresponding year to complete the BVSc & AH course.”

(emphasis supplied)

29. Reference may also be had to the decision of Hon’ble Supreme Court in ***Ebtesham Khatoon vs. Union of India & Ors.*** 2025 SCC OnLine SC 380, wherein the Under Graduate students of AYUSH Course had obtained admission to the course without having appeared for NEET (UG), 2019 Examination which at the relevant time was essential. However, on a writ petition being filed by the appellants therein, the learned Single Judge of High Court allowed admission to the said petitioners on the ground that there was no proper publication of the applicability of NEET (UG) 2019 for admission to such AYUSH Courses. However, the Hon’ble Division Bench of the High Court of Calcutta reversed the judgment of the learned Single Judge observing that since other candidates had appeared in NEET and ultimately took admission in AYUSH under the UG courses, there is no justification as to why the appellants could not have appeared for the same.

30. During the pendency of the SLP, the Hon’ble Supreme Court vide interim order dated 19.04.2021 had permitted the appellants therein to



appear in the First Semester Examination, however, when the appeal was taken up for final consideration appellants had already completed their course. In this factual backdrop, the Hon'ble Apex Court, considering the fact that the students have completed their entire course, held that withholding of their results and degrees will cause immense hardships to them. The relevant part of the said decision reads thus:

“1 The petitioners are students of under-graduate AYUSH courses. Admittedly, they obtained admission to said courses without having appeared for the NEET UG-2019 examination. The petitioners contended that they did not have notice of the fact that for seeking admission to the said courses, they were required to appear for the NEET UG-2019 examination.

2 Their admission was questioned and the petitioners filed Writ Petitions before the High Court where the learned Single Judge allowed admission of non-NEET students in AYUSH courses on the ground that there has not been proper publication of the applicability of NEET UG-2019 for admission to such AYUSH courses.

3 The Union of India challenged the said order before the Division Bench of the High Court. The Division Bench of the High Court at Calcutta vide common impugned order set aside the orders passed by the Single Judge allowing admission of non-NEET students. The Division Bench, relying upon the details supplied by the Government via an affidavit, it was observed that pursuant to notice published in newspapers on 07.11.2018 requiring candidates to qualify NEET in order to gain admission in AYUSH UG-courses. Other candidates had in fact appeared in NEET, and ultimately took admission in AYUSH UG-courses. The Division Bench thus rejected the contention of petitioners that due to inadequate notice they were prevented from participating in NEET UG-2019.

4 Consequently, the petitioners-students are before this Court. The only question before this Court is whether the petitioners were eligible for admission on the basis of selection made by the concerned college on the basis of merit since the petitioners did not appear in the NEET UG-2019 examination, as stated above.



5 By now, the petitioners have completed their AYUSH course for which they were granted admission. It would therefore, be futile to withhold their results.

6 This Court vide order dated 19th April, 2021 in SLP (C) No. 6396 of 2021 passed the following order:

“The petitioners shall be permitted to take 1st semester examination. The results shall not be announced till further orders. Issue notice returnable in two weeks. Learned counsel for the petitioner is permitted to serve the respondents by e-mail. Additional documents, if any, be filed in the meanwhile.”

7 The order dated 19th April, 2021 passed by this Court in SLP (C) No. 6396 of 2021 hereby stands vacated.

8 It is true that admission to candidates who had not appeared in NEET examination could not have been given by the College, yet as of now these students have completed their course and to withhold the exam results or their Degree will cause immense hardship to them.”

(emphasis supplied)

31. Likewise, in **Ashok Chand Singhvi** (supra), the appellant therein was a diploma holder in engineering and was serving as Instructor/Administrator in Engineering College who sought study leave and applied for BE Degree course. During the admission process certain objections relating to submission of application after expiry of the last date and appellant obtaining less than 60% marks in the Diploma Examination were raised. Such objections were considered by Dean of the college and thereafter, order for admission was issued to appellant and appellant joined classes. Afterwards the Dean of the college communicated to appellant that his admission is kept in abeyance as the appellant's marks in diploma course were less than 60%.

32. The Appellant challenged the same in High Court of Rajasthan but was unsuccessful. Subsequently, appellant approached Hon'ble Supreme



Court and it was held by the Hon'ble Supreme Court that it is not appropriate to penalise appellant for no fault of his as all facts were before the University and nothing was suppressed by the appellant. The Apex Court further observed that the appellant was not at fault and there is no reason why he should suffer for the mistake committed by the College/University authorities. The Hon'ble Supreme Court observed as under:

*“17. It is submitted on behalf of the University that it was through mistake that the appellant was admitted. We are unable to accept the contention. It has been already noticed that both the Dean and the Vice-Chancellor considered the objections raised by the Officer-in-Charge, Admissions, and thereafter direction for admitting the appellant was made. **When after considering all facts and circumstances and also the objections by the office to the admission of a candidate, the Vice-Chancellor directs the admission of such a candidate such admission could not be said to have been made through mistake. Assuming that the appellant was admitted through mistake, the appellant not being at fault, it is difficult to sustain the order withholding the admission of the appellant.** In this connection, we may refer to a decision of this Court in *Rajendra Prasad Mathur v. Karnataka University* [1986 Supp SCC 740] . In that case, the appellants were admitted to certain private engineering colleges for the BE degree course, although they were not eligible for admission. In that case, this Court dismissed the appeals preferred by the students whose admissions were subsequently cancelled and the order of cancellation was upheld by the High Court. At the same time, this Court took the view that the fault lay with the engineering colleges which admitted the appellants and that there was no reason why the appellants should suffer for the sins of the management of these engineering colleges. Accordingly, this Court allowed the appellants to continue their studies in the respective engineering colleges in which they were granted admission. The same principle which weighed with this Court in that case should also be applied in the instant case. **The appellant was not at fault and we do not see why he should suffer for the mistake committed by the Vice-Chancellor and the Dean of the Faculty of Engineering.**”*

(emphasis supplied)



33. The upshot of above discussion is that the present petition deserves to be allowed. Ordered accordingly.
34. Consequently, the following directions are passed:
- i. Respondent no.1/RCI is directed to grant *ex-post facto* approval to respondent no.3/college insofar as batch of petitioners is concerned.
 - ii. Respondent no.1/RCI is directed to enroll the petitioners on CRR in terms of Section 19 read with Section 13 of the Act, in case they fulfill all other conditions.
35. The aforesaid directions may be complied with within a period of six weeks from today.
36. It is clarified that the present judgment has been passed in peculiar facts of this case.
37. The petition along with pending application, is disposed of.

VIKAS MAHAJAN, J

JULY 31, 2025

aj