



2025:DHC:11051-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 05.12.2025*****(4)+ W.P.(C) 700/2023 & CM APPL. 2729/2023, CM APPL. 64908/2023****GOVT. OF NCT OF DELHI & ORS.Petitioners****Through: Mrs. Avnish Ahlawat, SC for
GNCTD Services with
Mr.Nitesh Kumar Singh,
Ms.Aliza Alam and
Mr.Mohnish Sehrawat, Advs.****versus****MS. UMA RANI & ANR.Respondents****Through: Mr. Anuj Aggarwal, Mr.
Shubham Bahl, Mr. Pradeep
Kumar, Ms. Tanya Rose, Ms.
Bhumica Kundra, Ms. Kritika
and Mr. Nikhil Pawar, Advs.****(5)+ W.P.(C) 12339/2023 & CM APPL. 48609/2023****GOVT OF NCT OF DELHI AND ANR.Petitioners****Through: Mr. Gaurav Dhingra and Mr.
Shashank Singh, Advs.****versus****MOHD ALTAMASH & ANR.Respondents****Through: Mr. Anmol Pandita, Adv.****(6)+ W.P.(C) 12977/2023 & CM APPL. 51204/2023****GOVT OF NCT OF DELHI AND ORSPetitioners****Through: Mrs. Avnish Ahlawat, SC for
GNCTD Services with
Mr.Nitesh Kumar Singh and
Mr.Mohnish Sehrawat, Advs.****versus****SHRI AJMERRespondent****Through: Counsel (Appearance not
given)**

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By:REYMON VASHIST
Signing Date:10.12.2023 17:32:59**W.P.(C) 700/2023 & connected matters.****Page 1 of 9**



2025:DHC:11051-DB



(7)+ W.P.(C) 3344/2023 & CM APPL. 12937/2023, CM APPL. 45170/2023

**DELHI SUBORDINATE SERVICES SELECTION BOARD
THROUGH ITS CHAIRMAN & ANR.Petitioners**

Through: Mrs. Avnish Ahlawat, SC for
GNCTD Services with
Mr.Nitesh Kumar Singh and
Mr.Mohnish Sehrawat, Advs.

versus

MOHIT KUMARRespondent

Through: Mr. Anuj Aggarwal, Mr.
Shubham Bahl, Mr. Pradeep
Kumar, Ms. Tanya Rose, Ms.
Bhumica Kundra, Ms. Kritika
and Mr. Nikhil Pawar, Advs.

(8)+ W.P.(C) 5618/2023 & CM APPL. 22016/2023

GOVT OF NCT OF DELHI & ORS.Petitioners

Through: Mrs. Avnish Ahlawat, SC for
GNCTD Services with
Mr.Nitesh Kumar Singh and
Mr.Mohnish Sehrawat, Advs.

versus

NISHU PANWARRespondent

Through: Mr. Anuj Aggarwal, Mr.
Shubham Bahl, Mr. Pradeep
Kumar, Ms. Tanya Rose, Ms.
Bhumica Kundra, Ms. Kritika
and Mr. Nikhil Pawar, Advs.

(9)+ W.P.(C) 1022/2024 & CM APPL. 4239/2024

GOVT OF NCT OF DELHI AND ORSPetitioners

Through: Mrs. Avnish Ahlawat, SC for
GNCTD Services with
Mr.Nitesh Kumar Singh and
Mr.Mohnish Sehrawat, Advs.

versus

JAHANGEER AND ANOTHERRespondents

Through: Mr. Anmol Pandita, Adv.

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W.P.(C) 700/2023 & connected matters.

Page 2 of 9



CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE SAURABH BANERJEE

NAVIN CHAWLA, J. (ORAL)

1. This set of petitions has been filed, challenging the Order dated 16.08.2022 passed in O.A. No. 2183/2015, titled ***Ms. Uma Rani v. Government of NCT of Delhi & Ors.*** (in W.P.(C) 700/2023); Order dated 04.05.2023 passed in O.A. No. 1816/2019, titled ***Md. Altamash & Anr. v. Govt. of NCTD & Anr.*** (in W.P.(C) 12339/2023); Order dated 27.04.2023 passed in O.A. No. 2258/2019, titled ***Sh. Ajmer v. Delhi Subordinate Services Selection Board & Anr.*** (in W.P.(C) 12977/2023); Order dated 22.11.2022 passed in O.A. No. 2928/2022, titled ***Mohit Kumar v. Delhi Subordinate Services Selection Board & Anr.*** (in W.P.(C) 3344/2023); Order dated 28.02.2023 passed in O.A. No. 3391/2017, titled ***Nishu Panwar v. Govt. of NCT of Delhi & Ors.*** (in W.P.(C) 5618/2023) and Order dated 21.09.2023 passed in O.A. No. 1818/2019, titled ***Jahangeer & Anr. v. Government of NCTD & Ors.*** (in W.P.(C) 1022/2024), of the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal'), whereby the learned Tribunal allowed the said O.As. filed by the respondents herein, who possess the qualification of Bachelor of Education (B.Ed.) (Special Education), by finding that they should be treated as eligible for applying to the various posts of TGT/PGT advertised by the petitioners.

2. To appreciate the above finding, we would first reproduce, as a sample, the educational requirements mentioned in the Advertisement for one of the posts:

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W.P.(C) 700/2023 & connected matters.



“For TGT (MIL) Hindi, Sanskrit, Punjabi & Urdu.

(i) B.A. (Honours) in one of the Modern Indian Languages (MIL) concerned or BA with MIL concerned as one of the Elective subjects from a recognised University having 45% marks in aggregate with one additional language at Degree level.

OR Equivalent Oriental Degree in MIL concerned from a recognised University having 45% marks in aggregate. OR (For appointment as Hindi Teachers only) Sahitya Rattan of Hindi Sahitya Sammelan Prayag having secured atleast 45% marks in aggregate with English in Matriculation provided further that the requirement as to the minimum of 45% marks in the aggregate shall be relaxable in the case of (a) candidate who posses a Post Graduate Qualification in MIL concerned from a recognised University (b) candidates belonging to SC/ST (c) Physically handicapped candidates.

(ii) Degree/Diploma in teaching OR Senior Anglo Vernacular Certificate.

(iii) Knowledge of Hindi is essential.

N.B. "The candidate should have studied the subject concerned as mentioned in the R/Rs in all parts/years of graduation. The elective word may also include main subject as practiced in different Universities".

3. A reading of the above would show that the requirement is only of a ‘degree/diploma in teaching’ and not confined to a ‘degree/diploma in Education (General)’.

4. The learned counsels for the petitioners submit that the B.Ed. (General) and B.Ed. (Special Education) are two distinct degrees, which cannot be equated. They submit that while B.Ed. (General) is issued by the National Council of Teacher Education (NCTE) and is a two-year course, on the other hand, B.Ed. (Special Education) is



2025:DHC:11051-DB



issued by the Rehabilitation Council of India (RCI) and is a one-year course. They further submit that B.Ed. (Special Education) is recognised only for the post of TGT/PGT (Special Education), and not for TGT/PGT for other subjects, for which B.Ed. (General) is the essential qualification.

5. Placing reliance on the judgment of the Supreme Court in ***Shifana P.S. v. State of Kerala & Ors.***, (2024) 8 SCC 309, they submit that the learned Tribunal has erred in carrying out an exercise of equivalence between the degrees of B.Ed. (General) and B.Ed. (Special Education), which is beyond its jurisdiction. They submit that, in any case, these degrees cannot be equated, and in support, they cite the judgment of the Supreme Court in ***Devesh Sharma v. Union of India & Ors.***, (2023) 18 SCC 339, to submit that B.Ed. degrees were not found equivalent to Diploma in Elementary Education (D.El.Ed.) for the purposes of recruitment as a Primary School Teacher.

6. The learned counsels for the petitioners also rely on the clarification given by the NCTE *vide* Letter no. 49-1/2011/NCTE (N&S)/A3105 dated 09.02.2011 to submit that the NCTE has also stated that B.Ed. (Special Education) is not equivalent to B.Ed. (General).

7. The learned counsels for the petitioners further place reliance on the Order dated 24.09.2025 passed by the Supreme Court in Civil Appeal No(s). 8140/2024, titled ***Manoj Kumar Sharma v. State of Rajasthan***, in support of their submissions.



8. On the other hand, the learned counsels for the respondents submit that the advertisement did not exclude persons holding B.Ed. (Special Education) from applying.

9. Placing reliance on the affidavit filed by the RCI, they submit that, RCI, which is a statutory body that issues the B.Ed. (Special Education) qualification, has also stated that persons holding B.Ed. (Special Education) can also teach the general students.

10. They further submit that this Court in ***Social Jurist, A Civil Rights Group v. Govt. of N.C.T. of Delhi & Anr.***, 2009:DHC:3922-DB, has held that B.Ed. (Special Education) degrees are equivalent to B.Ed. (General) and should be recognised.

11. We have considered the submissions made by the learned counsels for the parties.

12. As far as the Advertisement is concerned, it did not exclude persons holding B.Ed. (Special Education) from applying to the post. It also did not specifically mandate that only persons holding B.Ed. (General) will be eligible to apply for the post. Therefore, the question of equivalence loses all its significance as far as the Advertisement is considered. The only issue to be determined is whether person having B.Ed. (Special Education) meets the requirement of ‘*Degree/Diploma in teaching*’ stipulated in the advertisement.

13. The RCI, in its counter affidavit, has stated as under:

“6. I say and submit that the successful candidates of B.Ed. Special Education and Diploma in Special Education in broader aspects are equally competent and professionally trained in comparison to the B.Ed. Gen. and D.Ed./ TTC (Gen.). In fact, teachers with B.Ed.. Spl. Edn. & D.Ed. Spl. Edn. are additionally trained to teach children with disabilities. Therefore, candidates with



D.Ed. Spl. Edn./ B.Ed. Spl. Edn. qualification should not be deprived for appointment as teachers in schools as they can teach general as well as children with special needs.”

14. The reliance of the petitioners on the clarification issued by the NCTE, apart from the fact that the Advertisement itself did not exclude the B.Ed. (Special Education) from consideration, is even otherwise erroneous. The said clarification read, as under:

“In this regard, it is informed that B.Ed. and B.Ed. (Special Education) are not equivalent courses. As the NCTE regulations of 2001 of Minimum Qualification for recruitment of teachers in schools makes it clear that B.Ed. (Special Education) is not an eligible course/degree for appointment as school teacher. Moreover, NCTE Notification dated 23rd August, 2010 issued u/s 23(1) of the RTE Act specifies that B.Ed. (Special Education) is one of the eligible qualifications. However, such person, after appointment, has to undergo a six-month special course of elementary education. Moreover, this Notification has prospective effect only. Therefore, the candidature of a B.Ed. (special Education) can not be considered to teach students of General Stream in the schools under Directorate of Education.”

15. The clarification also states that a Notification dated 23.08.2010 has been issued under Section 23(1) of the Right to Education Act, 2009, which specifies that B.Ed. (Special Education) is one of the eligible qualifications, however, such persons ‘after appointment’ have to undergo a six months’ special course of elementary education.

16. Be that as it may, once the Advertisement did not exclude the respondents, who were holding B.Ed. (Special Education), from consideration, the above issue again loses all its significance.



17. Therefore, the judgments in *Shifana P.S.* (supra) and *Devesh Sharma* (supra) will also not be applicable to the facts of the present case as once the Advertisement itself did not exclude the respondents, who were holding B.Ed. (Special Education), from consideration, the exercise of determining equivalence between B.Ed. (General) and B.Ed. (Special Education), loses significance.

18. The order of the Supreme Court in *Manoj Kumar Sharma* (supra), is also distinguishable on facts, inasmuch as in the said case, the Supreme Court was dealing with an advertisement specifically for recruitment of Special Education Teachers where the prescribed qualification explicitly mentioned "B.Ed. (Special Education)", and the issue was whether candidates with B.Ed. (General Education) plus a Post Graduate Professional Diploma in Special Education could be considered equivalent to meet that specific requirement. The Supreme Court held in favour of such equivalence, relying on the RCI's Office Order dated 20.04.2009 and the principle that RCI, being the statutory regulator for special education, is the competent authority for prescribing qualifications for special education posts. In contrast, the present case concerns an advertisement for the post of TGT/PGT in general subjects, not special education posts, without any exclusion of B.Ed. (Special Education) holders or the specification that only B.Ed. (General) would be acceptable stipulated in the advertisement. The ratio of *Manoj Kumar Sharma* (supra), therefore, does not apply to the facts of the present case.

19. We may, only for the purpose of completeness, also quote the observations of this Court in *Social Jurist* (supra), as under:

"6. Keeping in view the aforesaid affidavits, we are of the opinion that respondent nos. 1, 2,



5 and 6 should try to achieve teacher pupil ratio of 1:5 at the secondary level and 1:2 at the primary level. We further direct respondent nos. 1, 2, 5 and 6 to grant equivalence to B.Ed. (SE) with B.Ed. (General) and to D.Ed. (SE) with D.Ed./TTC for the purpose of appointment of special teachers in all the schools in the State as well as schools run by local bodies namely NDMC, MCD and Cantonment Board. Needless to say that the service conditions of the special teachers shall be same as that of the regular teachers holding the qualification of general teachers. We also request the respondent nos. 1, 2, 5 and 6 to consider granting preference and priority to candidates holding B.Ed.(SE) and D.Ed.(SE) degrees in appointment of teachers in all their schools. The school authorities shall ensure that each school shall have at least two special teachers and further that necessary teaching aids and reading materials are provided. This shall be done within six months."

20. Keeping the above in consideration, we find no merit in the present petitions. The same alongwith the pending applications are, accordingly, dismissed.

21. There shall be no order as to costs.

NAVIN CHAWLA, J

SAURABH BANERJEE, J

DECEMBER 5, 2025/b/k/SJ