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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 13749/2022 & CM APPLs. 41963-41964/2022
GARIMA MIDHA Petitioner

Through: Mr. Anuj Aggarwal & Mr. Manas
Verma, Advocates.

versus

REHABILITATION COUNCIL OF INDIA & ORS. Respondents

Through: Ms. Anuja Saxena, Advocate for R-1/
RCI (through VC).

Mr. Pritish Sabharwal, Standing
Counsel with Mr. Sanjeet Kumar,
Advocate for R-2 and 3/ University.

Mrs. Avnish Ahlawat, Standing
Counsel with Mr. N.K. Singh and Ms.
Aliza Alam, Advocates for R-4/
GNCTD.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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14.11.2022

CM APPL. 41964/2022 (for exemptions)

1. Exemption is granted, subject to all just exceptions.
2. Petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

W.P.(C) 13749/2022 & CM APPL. 41963/2022 (for direction)

4. Petitioner completed 'B.Ed. (Special Education) Learning Disability' ["B.Ed. Spl. Ed. (LD)"] in the year 2004 from Jamia Millia Islamia – a Central University constituted by an act of Parliament in 1988 [hereinafter "the University"]. The above-said course is designed to prepare teachers for

educating children with special needs, especially children with visual handicap and learning disabilities.

5. After obtaining B.Ed. Spl. Ed. (LD), Petitioner cleared Central Teacher Eligibility Test twice, first in 2012 and then in 2021. She completed M.A. English from Indira Gandhi National Open University [“IGNOU”] in 2019 and joined M.A. Psychology in IGNOU, result whereof is awaited. She is also pursuing B.Sc. Data Science from Indian Institute of Technology, Madras.

6. Petitioner has been working as an Educator in Inclusive Education, with reputed institutions, details whereof are culled out below: -

S.No.	Duration	Name of the Institute	Name of the Post
1.	2004-2005	Anglo Indian Public School. New Delhi	Math and Science Teacher
2.	2005	Baycrest Public School, Canada	Voluntary Teaching
3.	2007-08	Presidium, Ashok Vihar	Primary Teacher
4.	2008-10	Salwan Public School, Rajinder Nagar	PRT English
5.	2010-2017	Bal Bharti Public School, Ganga Ram Hospital Marg	Assistant Teacher
6.	2017	DPS, Udaipur	PRT Science
7.	2018	Vidya Bhawan Education Research Centre, Udaipur	Research Associate
8.	2018-2019	Rockwoods High School, Udaipur	Science Teacher
9.	2020	St. Columba’s School, Ashoka Road	TGT English
10.	2020-till date	BYJUs Future School/White Hat Junior	Director, Math and Coding

7. Even though she has abundant experience in this specialized field of

education, she is ineligible for Delhi Subordinate Services Selection Board [“*DSSSB*”], for which she successfully qualified written examination in the year 2020. The disqualification arises because the degree awarded to her is not being approved by Rehabilitation Council of India [Respondent No. 1 – “*RCI*”].

8. Under the RCI Act, 1992, a person can be appointed as a Special Educator only after getting his/ her name registered in the Central Rehabilitation Register [“*CRR*”], maintained by RCI (*See*: Section 19 of RCI Act). Petitioner made a representation for inclusion but it has been turned down on the ground that her degree is not registered with RCI. As it turns out, B.Ed. Spl. Ed. (LD) awarded by the University for the years from 2001 to 2011 are not recognised by RCI under extant provisions of the RCI Act, 1992. However, later on insistence of the University, RCI acknowledged the issue and in 2013, introduced a three-month online bridge course [“*FC-ECLD*”] designed by RCI for students who had completed B.Ed. Spl. Ed. (LD) and M.Ed. (Masters of Education) Special Education in Learning Disability, on-or-before 2011, from the University for registration on CRR. Petitioner as well as approx. 300 students, who were enrolled with the University from 2001-2011, and were eligible for joining the aforementioned course, unfortunately missed the opportunity. Mr. Pritish Sabharwal, counsel for University, points out that as per the affidavit filed by RCI, only 23 students enrolled for the three-month online bridge course, as against 300 eligible students.

9. Therefore, evidently large number of students have not availed benefit

of three-month online bridge course. Taking cognizance of this fact, the University, sent a communication dated 17th/ 18th August, 2022, to RCI as follows: -

“Subject: Request for starting a study centre for launching online courses (FC-ECLD) at Faculty of Education for getting registration (CRR) of missed out students Bed.spl.Edu(Learning Disability) (Batches between 2001-2011)-reg.

Sir,

I would like to bring to your kind notice that Department of Teacher Training & Non Formal Education (IASE), Faculty of Education, Jamia Millia Islamia has been preparing and training teachers for Inclusive as well as special schools.

Jamia Millia Islamia has been pioneer in the field of learning disability in India even when it was not recognized as disability in India. The University faculty members were visionary enough to envision the difficulties and challenges of children struggling to cope with scholastic and co-scholastic area thus started a training program B.Ed. (Special) in 1982, (diploma) for both teachers and teacher educators way back in 1988, and subsequently in the year 1992-93 B.Ed.Spl.Edu.(LD) and M.Ed.Spl.Edu(LD) respectively to cater the needs of such children.

*With the awareness and needs for special education got the boost in employment then students of our university was asked for CRR but our university has not applied for it because it was not cover under PWD Act, 1995. However, when it became the essential criteria (CRR) for employment for special educators then our university approved the council for it. The council was considerate enough took the decision in the interest of our students and also taken students and parents of SLDs into account and launched an online course (FC-ECLD) for our students for CRR registration on the completion of this course. **Many of our students got the benefit of it and got CRR numbers. However, some of the students missed out this opportunity despite our best efforts to reach out them through mail and national news dailies (Indian Express & Sahara).***

*Sir, some students have approaching our university to give them second chance for CRR registration. **In view of their request and plea, we would like to appeal the council to re-launched the online course in the interest of these students for CRR registration. (List of missed out students is attached herewith)***

We shall be highly obliged for your kind consideration.”

[Emphasis supplied]

10. On above representation, RCI’s stand, as borne out from their counter affidavit, is that the bridge course was only a one-time concession and since it has been discontinued, *“the same cannot be conducted for the sake of the petitioner, who is ignorant of the statutory status of the answering respondent.”*

11. While RCI is conscious of the predicament of the students and fortunately stepped in to enable students to qualify as special educators by launching FC-ECLD online course, it is now not agreeable to extend this benefit to the Petitioner. Therefore, question arises whether benefit of bridge course should be restricted as a one-time measure. No doubt this facility cannot be opened for one student alone. However, as it appears from the representation of the University, there are large number of students are still not qualified. It must be noted that the University is agreeable to conduct the course. Furthermore, the objective and rationale behind introducing the said bridge course must be kept in mind. The University did not apply for CRR as it was not covered under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. Requirement for registration in RCI-CRR, however, later became an essential criterion for employment as a Special Educator. Thus, students despite training/ education remain unqualified for employment as a Special Educator. In order to boost employment for such students, RCI introduced the bridge course.

12. In the opinion of this Court, the foregoing reasons, re-launching the course would only further interest of the students and ultimately address the needs of special children as Petitioner's counsel informs that there is a dearth of qualified teachers/ special educators. Accordingly, the present petition is allowed with the following directions: -

- (i) RCI shall decide the representation of the University dated 17th/ 18th August, 2022, in light of the observations made hereinabove, within a period of six weeks from today. In the event, RCI finds favour with University's representation – wide publicity be given to the decision by issuing public notices as well as written intimation to all eligible students, at their last known address available with Respondents.
- (ii) In the event RCI takes a view which is adverse to the Petitioner, she shall be at liberty to take recourse against the same, in accordance with law.

13. Disposed of.

SANJEEV NARULA, J

NOVEMBER 14, 2022

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(Corrected and released on: 30th November, 2022)