



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 4594/2020

1. Vijendra Vyas S/o Shri Gajendra Prasad Vyas, Aged About 40 Years, R/o Vpo Gayatri Colony Bagidora, Tehsil - Bagidora, District Banswara, Rajasthan.
2. Vanita Trivedi D/o Shri Suresh Chandra Trivedi, Aged About 43 Years, R/o 40/aambika Colony, Udaipur- Dungarpur Link Road, Banswara, District Banswara, Rajasthan.

----Petitioners

Versus

1. State of Rajasthan, Through The Secretary, Department Of Secondary Education, Government Of Rajasthan, Secretariat, Jaipur.
2. Rajasthan Public Service Commission, Through Its Secretary, Ajmer, Rajasthan.
3. Secretary, Rajasthan Public Service Commission, Ajmer, Rajasthan.
4. Chairman, The Rehabilitation Council Of India, B-22, Qutab Institutional Area, New Delhi.
5. Chairman, The National Council For Teacher Education, G-7 Sector-10 Dwarka Near Metro Station, Delhi.
6. Joint Secretary, Ministry Of Human Resources Development, Department Of School Education And Literacy, Government Of India, Shastri Bhawan, New Delhi.

----Respondents

For Petitioner(s)	:	Mr. Manvendra Singh
For Respondent(s)	:	Mr. Khet Singh Rajpurohit Mr. Bhupesh Charan on behalf of Mr. N.K. Mehta, DGC

HON'BLE MR. JUSTICE KULDEEP MATHUR

ORDER

Reserved on: 11/05/2026

Pronounced on: 19/05/2026



1. By way of filing the present writ petition under Article 226 of the Constitution of India, the petitioners have prayed for the following reliefs:

"It is, therefore, humbly and respectfully prayed that this writ petition petitioner may kindly be allowed:-

A). By an appropriate writ, order or direction, the Rejection Order dated 06.02.2020 (Annex.09) issued in favour of no. petitioner 1 on the ground of not having the minimum qualification of B.Ed. Special Education/ 2 year course in post-graduate diploma in special education may kindly be quashed and set aside.

B). By an appropriate writ, order or direction, any order issued by the respondent declaring the petitioner no. ineligible on the ground of not having the minimum qualification B.Ed. Special Education/ 2 year course in post-graduate diploma in special education may kindly be quashed and set aside. Of

C). By an appropriate writ, order or direction, the respondents may kindly be directed to treat the qualification of B.Ed. general as an and post graduate professional diploma in special education (PGPD-SEDE) equivalent qualification to B.Ed. special education for the purpose of appointment on the post of Teacher Grade-II in pursuance to the advertisement dated 29.03.2018 (Annex.05).

D). By an appropriate writ, order or direction, the respondents may kindly be directed to afford appointment to the petitioners on the post of Senior Teacher Grade-II Special Education in pursuance of the advertisement dated 29.03.2018 (Annex.05) with all consequential benefits.

E). Any or other appropriate writ, order direction which this Hon'ble Court may deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioner.

F). Writ petition filed by the petitioner may kindly be allowed with costs.

G). By an appropriate writ, order or direction, the qualification of 2 years diploma in Special Education recognized the Rehabilitation Council of India for the Subject Hindi and subject Science as laid down in the advertisement dated 29.03.2018 (Annex-05) may kindly be quashed and set aside to include or the extent that it does not treats as equivalent the of qualification of 1 year diploma in special education recognized by the Rehabilitation Council India acquired after the qualification of (B.Ed. general) for the Subject Hindi and subject Science as a requisite qualification for appointment on the post Senior Teacher Grade-II (Special Education).

H). By an appropriate writ, order or direction, the respondents may kindly be directed to include treats as equivalent the qualification of 1 year diploma in special education recognized by the Rehabilitation Council India acquired after the qualification of (B.Ed. general) for the Subject Hindi and subject Science requisite qualification for appointment on the post of of as a to





Senior Teacher Grade-II (Special Education) in pursuance advertisement dated 29.03.2018 (Annex-05).

I). By an appropriate writ, order or direction, the respondents may kindly be directed to treat the qualification of 1 year post graduate professional Diploma in special education recognized by the Rehabilitation India acquired after the qualification (B.Ed. general) as an equivalent qualification to 2 year post graduate professional Diploma in special education recognized by the Rehabilitation Council of of Council of India for the Subject Hindi and subject Science for appointment on the post of Senior Teacher Grade-II (Special to Education) in pursuance dated 29.03.2018 (Annex-05)."

2. Learned counsel for the petitioners submitted that the petitioners possess the qualifications of B.Ed. (General) and Post Graduate Professional Diploma in Special Education (PGPD-SEDE). The Rajasthan Public Service Commission (for short, 'RPSC') issued an advertisement dated 29.03.2018 for recruitment to the post of Senior Teacher (Teacher Grade-II) (Special Education) for TSP Area. Pursuant to the said advertisement, the petitioners submitted their application forms and were subsequently permitted to participate in the written examination, which they successfully cleared. Thereafter, the petitioners were called for counselling/document verification on 06.02.2020. Learned counsel submitted that the petitioners appeared before the RPSC on the stipulated date and time for document verification, however, to their utter surprise, their candidature came to be rejected on the ground that they did not possess the qualification of B.Ed. along with a two-year diploma in Special Education. According to the respondents, the one-year professional diploma in Special Education possessed by the petitioners did not satisfy the requisite qualification prescribed for the advertised post.



3. Learned counsel for the petitioners submitted that rejection of the candidature of the petitioners by the respondents is wholly illegal and arbitrary. It was contended that as per the Rehabilitation Council of India (RCI), which is a statutory body under the Ministry of Social Justice and Empowerment, a candidate possessing B.Ed. (General) along with a one-year diploma in Special Education is eligible for appointment to the post of Special Education Teacher. Learned counsel further submitted that the controversy involved in the present matter already stands concluded by the judgment of the Hon'ble Supreme Court in the case of **Manoj Kumar Sharma and Others v. State of Rajasthan and Others; Civil Appeal No.(s) 8140/2024**, wherein the Hon'ble Apex Court has held that in matters concerning schools for special education, the qualifications prescribed and approved by the RCI are required to be followed. On the strength of the aforesaid judgment, learned counsel contended that rejection of the candidature of the petitioners on the ground of lack of requisite qualification deserves to be declared illegal and the respondents be directed to grant appointment to the petitioners on the post of Senior Teacher (Grade-II) (Special Education).

4. *Per contra*, learned counsel for the respondents submitted that the rejection orders passed against the petitioners are perfectly legal and justified and have been passed strictly in accordance with the terms and conditions contained in the advertisement dated 29.03.2018 as well as the applicable recruitment rules. It was submitted that the petitioners possess the qualification of B.Ed. (General) along with a one-year Post



Graduate Professional Diploma in Special Education (PGPD-SEDE), whereas the advertisement specifically required B.Ed. (Special Education) or a two-year diploma/course in Special Education recognized by the Rehabilitation Council of India. Learned counsel thus submitted that since the petitioners did not fulfill the prescribed eligibility criteria on the cut-off date, their candidature was rightly rejected during document verification.

5. Learned counsel for the respondents further submitted that the qualifications possessed by the petitioners cannot be treated as equivalent to the qualifications specifically prescribed under the advertisement and the petitioners cannot claim appointment dehors the prescribed conditions published by the respondent-department. It was contended that admittedly the petitioners do not possess B.Ed. (Special Education) or the requisite two-year diploma/course in Special Education as prescribed under the advertisement and, therefore, no illegality has been committed by the respondents in rejecting their candidature for appointment to the post of Senior Teacher (Grade-II) (Special Education). It was thus contended that the writ petition, being devoid of merit, deserves to be dismissed with exemplary costs.

6. Heard learned counsel for the petitioners. Perused the record of the case.

7. The minimum requirement of RCI approved qualification of Special Education Teacher as per the guidelines issued by the RCI vide letter/communication No.7-91/RCI-2011 dated



11.01.2012 (Annexure-11) is reproduced below for ready reference:

Secondary and Senior Secondary teacher	1. Graduate with B.Ed. (Special Education) or 2. B.Ed. (General) with one year Diploma in Special Education or 3. B.Ed. (General) with two years Diploma in Special Education or 4. B.Ed. (General) with Post Graduate Professional Diploma in Special Education (PGPD) or 5. B.Ed.Special Education and Post Graduate Professional Certificate in Special Education (PGPC) or 6. PG Diploma in Special Education (Mental Retardation) or 7. PG Diploma in Special Education (Multiple Disability: Physical & Neurological) or 8. PG Diploma in Special Education (Locomotor Impairment and Cerebral Palsy) or 10. Secondary level Teacher Training Course in Visual Impairment or 11. Senior Diploma in Teaching the Deaf or 12. BA B.Ed. in Visual Impairment or Any other equivalent qualification approved by RCI
xxx	xxx

8. The judgment dated 24.09.2025 passed by the Hon’ble Apex Court in **Manoj Kumar Sharma (supra)** is reproduced below for ready reference:

- "1. Heard learned counsel appearing for the parties and perused the materials on record.
2. Applications (IA 234082/2023 seeking impleadment and IA 234487/2023 seeking intervention) are allowed.
3. The Director of Primary Education, State of Rajasthan, issued an Advertisement on 31.07.2018 calling for applications from candidates having prescribed qualifications for direct recruitment to



the post of Teacher Grade III (Special Education) Level II. The Advertisement indicated the availability of 268 posts for recruitment. As per the advertisement, the qualification required for the Teacher Grade III (Special Education) Level II in Special Education was "Graduation with atleast 50% marks and a 1-year Bachelor in Education (B.Ed.) (Special Education).

4. The appellants, believing they were qualified and eligible for appointment applied for the post.

5. On 03.09.2018, after scrutinising the applications, the respondent(s) issued cut-off marks for the post for each subject. The respondents thereafter issued a list of provisionally selected candidates vide order dated 04.09.2018 for verification of documents. On 26.09.2018, the respondent(s) passed an order directing that the candidates having a one-year Diploma in Special Education are ineligible for the appointment to the post of Teacher Grade III Level II Special Education.

6. Challenging the said order, the appellants filed a Writ Petition before the High Court, which came to be dismissed by the learned Single Judge on 20.01.2020, and also by the Division Bench of the High Court vide the order dated 14.12.2022 impugned before us.

7. It is the appellant's case that there is no doubt about the prescription of the qualifications, which in clear terms provides that candidates must possess a B.Ed. (Special Education). However, they would contend that the prescribed qualification is equivalent to a Post Graduate Professional Diploma in Special Education pursued alongside B.Ed. (General Education).

8. Mr. Rishi Malhotra, learned Senior Counsel appearing for the appellants, relied upon the judgment passed in *Pritam Kumar Tak vs. State of Rajasthan* and *Rajni State of Rajasthan*". Relying on these judgments, Mr. Malhotra argued that it is already settled by at least two judgments of the Rajasthan High Court that Rehabilitation Council of India ('RCI'), established under the Rehabilitation Council of India Act, 1992, is the competent authority for prescribing qualifications for the appointment of special education teachers. He therefore relied on the office order dated 20.04.2009, issued by the RCI declaring the equivalence of



degrees. It is argued that the division bench of the High Court therefore erred in following another judgment of the same High Court in *Sarita Sharma vs. State of Rajasthan*.

9. We have also heard the *Ld. Counsel for the State of Rajasthan* and *Ms. Manisha Karia*, learned senior counsel for NCTE.

10. The short issue arising for consideration is whether the qualification of the appellants, who possess a B.Ed. (General along with a post-graduate professional diploma in Special Education, is equivalent to the prescribed qualification, i.e., graduation and Education) B.Ed. (Special Education).

11. The answer to this question is simple and straightforward for the following reasons;

a. It is an admitted fact that the advertisement which is issued is intended. for the recruitment of Special Education Teachers. Recruitment of teachers intended. for special education is governed by the RCI Act, a special statute, the regulator of which is the Rehabilitation Council of India, which has a statutory status.

b. The council has already issued an order dated 20.04.2009 indicating that B.Ed. (General Education) coupled with Diploma (special education) shall be treated as an equivalent degree to B.Ed. (Special Education) i.e., the prescribed qualification in the impugned notification.

c. It is also clear that the NCTE, which is the statutory body with respect to school education, has recognised the special role performed by the RCI as regards regulatory measures needed to be taken for the requirement ent of special educators. In this very context, a Memorandum of Understanding (MoU) between NCTE and RCI was entered into on 08.04.2015.

d. In Civil Appeal Nos. 8144-8145/2024, 8141-8143/2024 and 8497-8499/2024, we are informed that there is also a letter dated written by NCTE stating that qualifications relating to the appointment of Special Educators are as prescribed by RCI vide its circular dated 11.04.2017.

12. From the MoU, it becomes clear that NCTE has, in fact, collaborated with RCI and has entered into an agreement to





ensure that, insofar as general education is concerned, the prescription of NCTE should be followed and insofar as schools for special education are concerned, the prescription of RCI should be followed. The decision of the Rajasthan High Court in *Pritam Kumar Tak (supra)* and *Rajni (supra)* are on the same line.

13. Mr. Rishi Malhotra, learned senior counsel, has also brought to our notice the decision of this Court in *Rajnish Kumar Pandey v. Union of India* which emphasises the role of RCI in the domain of special education.

14. In view of the above, we are of the opinion that there is no difficulty for the State Government in considering the case of the appellants who possess a B.Ed. (General Education) along with a one-year Post Graduate Professional Diploma in Special Education (PG) PD-SE) as equivalent to the prescribed qualification in the advertisement.

15. We are aware of the fact that the advertisement was issued way back on 31 July, 2018, and the process of recruitment would have been over by now. However, if there are any vacancies left, we direct the respondents to consider the case of the appellants and pass necessary orders within 30 days from the date of receipt of a copy of this order.

16. The appeals are accordingly disposed of.

17. Pending application(s), if any, shall stand closed.”

9. Having heard learned counsel for the parties and upon perusal of the relevant rules and notifications, this Court finds considerable force in the submissions advanced on behalf of the petitioners that the controversy involved in the present matter already stands settled by the judgment of the Hon'ble Supreme Court passed in ***Manoj Kumar Sharma (Supra)***. The Hon'ble Supreme Court, in paragraphs 11 and 12 of the said judgment, has authoritatively held that insofar as general education is concerned, the qualifications prescribed by the NCTE for



appointment of teachers are to be followed, however, for appointment of teachers in schools imparting special education, the qualifications prescribed by the RCI are to be adhered to. The Hon'ble Apex Court, while relying upon the judgment in **Rajnish Kumar Pandey v. Union of India**, observed that the RCI plays a special and significant role in the field of special education.

10. It is further to be noticed that the RCI, vide its communication No.7-91/RCI-2011 dated 11.01.2012 (Annexure-11), while prescribing minimum RCI approved qualifications for appointment of teachers in Special Education, has recognized B.Ed. (General) along with a one-year diploma in Special Education as equivalent to the qualification prescribed in the advertisement dated 29.03.2018 (Annexure-5), namely Graduation with a two-year diploma in Special Education recognized by the RCI for the post of Secondary/Senior Secondary Teacher, i.e. Senior Teacher (Special Education) in the State of Rajasthan. Therefore, the argument advanced on behalf of the respondents that the petitioners possess a one-year diploma in Special Education instead of a two-year diploma is devoid of substance and deserves rejection.

11. In view of the aforesaid discussion and keeping in view the law laid down by the Hon'ble Apex Court in **Manoj Kumar Sharma (Supra)**, the present writ petition deserves to be and is hereby allowed. The respondents are directed to treat the qualification possessed by the petitioners, namely B.Ed. (General) along with a one-year Professional Diploma in Special Education, as a valid qualification for the advertised post.



12. Keeping in view the interim order dated 04.09.2020 passed by this Court directing that any appointment made pursuant to the advertisement dated 29.03.2018 shall remain subject to the final outcome of the present writ petition and/or further orders passed by this Court, the respondents are directed to issue appointments in favour of the petitioners, if they fall within the merit list prepared pursuant to the advertisement dated 29.03.2018 in their respective categories and are otherwise eligible, within a period of sixty days from the date of this order. It is made clear that the petitioners shall be entitled to appointment from the date persons similarly situated to them were granted appointment, along with consequential seniority and pay fixation. However, the petitioners shall not be entitled to any back wages.

13. All pending applications stand disposed of accordingly.

(KULDEEP MATHUR),J

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