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

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Reserved on: 04.04.2026

Judgment Delivered on: 09.04.2026

+ **W.P.(C) 11178/2024 & CM APPL. 46223/2024**

SHANTI NIKETAN COLLEGE OF SPECIAL EDUCATION
& ANR.

.....Petitioners

Through: Mr. Amitesh Kumar, Ms. Priti
Kumari and Mr. Pankaj Kumar, Advs.

versus

REHABILITATION COUNCIL OF INDIARespondent

Through: Mr. Manish Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

VIKAS MAHAJAN, J

1. The present petition has been filed by petitioners assailing the impugned order 24.06.2024 whereby petitioners' proposal for B.Ed. Spl. Ed. LD (Course) and B.Ed. Spl. Ed. (ID) Course has not been considered on the ground of identical deficiencies pointed out therein.

2. The case of the petitioners is that Petitioner No. 1 is an institution and was desirous of running Special Education Courses with the approval of Rehabilitation Council of India [RCI]. RCI issued circular dated 30.05.2013 inviting fresh proposals from institutions for grant of approval to conduct RCI approved training programmes from academic session 2024-25. Again another circular dated 11.08.2023 was issued by RCI inviting fresh proposal (fresh & extension) for academic session 2024-25. Thereafter RCI issued a



guidelines dated 18.08.2023 for submission of application, consideration thereof and grant of approval.

3. Pursuant to above, the petitioner no.1 applied for commencement of two courses, namely (i) B.Ed. Special Education (Learning Disability) and (ii) B.Ed. Special Education (Intellectual Disability), for imparting special education.

4. The applications of petitioner no.1 was returned by RCI without consideration, in terms of circular dated 04.01.2024 whereby the RCI had notified its decision not to grant new approvals to any institution for running two (02) years B.Ed. (Special Education) programmes from the academic session 2024-25 on the pretext that it is in the process of developing a new programme on the pattern of NCTE soon as per National Education Policy-2020 (NEP-2020). The circular dated 04.01.2024 was followed by another circular dated 08.03.2024 wherein it was mentioned that it has been decided not to grant new approval to any institution for running two years running two (02) years B.Ed. (Special Education) programme from the academic session 2024-2025.

5. Feeling aggrieved with the aforesaid two circulars dated 04.01.2024 and 08.03.2024, petitioners filed writ petition being W.P.(C) 5679/2024 titled as *Shanti Niketan College of Special Education and Anr., v. Rehabilitation Council of India*. The said writ petition was decided by the Coordinate Bench of this Court along with other batch of matters *vide* common judgment dated 31.05.2024 [annexure P-18], whereby the writ petitions were allowed. The court observed that the petitioners therein had clearly acted on the basis of representation held out by respondent/RCI to all of them, and believing said representation, petitioners therein altered their



position and had created an infrastructure. Consequently, the court quashed the circulars impugned therein, i.e., circulars dated 08.03.2024 as well as dated 04.01.2024 to the extent it returns petitioners' application. It was further directed that the proposal made by petitioners would be processed in accordance with law.

6. It appears that petitioners' application was processed by respondent/RCI, and *vide* impugned order dated 24.06.2024 the petitioners were informed that the institute has failed to meet the requisite documents, as per the norms & guidelines for the fresh proposals, therefore, the fresh proposals of B.Ed. Spl. Ed. (LD) and B.Ed. Spl. Ed. (ID) is not considered. The reason given for not considering the proposal were identical for both the proposals, and were three-fold:

- (i) PwD Certificate not submitted is valid till 2023
- (ii) List of 30 students attached without mentioning disability and UDID
- (iii) No details of faculty mentioned, no consent submitted.

7. Mr. Amitesh Kumar, the learned counsel appearing on behalf of petitioners submits that before taking the impugned decision, the petitioners were not afforded any opportunity to cure and explain the deficiencies pointed therein. He submits that had an opportunity in the form of show-cause notice or otherwise, been granted to the petitioners, they would have explained that no deficiency as pointed out in the impugned order exists.

8. Elaborating on his submission, Mr. Kumar has invited attention of the Court to the certification of registration in terms of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 2016 [in short 'PwD Act'] (Annexure R-1) to contend



that certificate which was submitted was valid for a period of three years commencing from 10.12.2020 to 09.12.2023 when the applications for approval was submitted by the petitioners with regard to the said two courses on 29.09.2023 and 20.10.2023. He submits that before the expiry of said certificate, petitioners had also applied for its revalidation and the same was revalidated on 15.12.2023 for a period of another three years. In support of his contention, he has drawn attention of the Court to the certificate dated 15.12.2023 (Annexure P-11) whereby the validity was extended.

9. As regard the objection that list of 30 students attached does not mention disability and UDID of the students, attention of the Court has been brought to the list of such 30 students to contend that apart from mentioning the disability therein, UDID certificate number has also been conspicuously stated.

10. In respect of the deficiency that no details of faculty are mentioned, Mr. Kumar has invited attention of the Court to the list of faculty members which contain their qualification, the post, as well as, salary drawn by them. He, therefore, contends that the deficiencies pointed out in the impugned letter dated 24.06.2024 are not factually correct, thus untenable.

11. He submits that in the additional affidavit dated 30.07.2025 filed by respondent/RCI, a stand has been taken that petitioners' application could not be considered for the academic session 2025-2026 since the two year course has been discontinued in view of the circular dated 01.12.2023. He submits that such a stand could not be taken by respondent/RCI inasmuch similar circular dated 04.01.2024 was quashed by this Court *vide* judgment dated 31.05.2024.



12. He further contends that the stand taken in the additional affidavit is not a ground on which impugned order is predicated. He submits that additional affidavit is in excess of the ground taken in the impugned order. In support of his submission, Mr. Kumar has placed reliance on the decision of the Hon'ble Supreme Court in ***Mohinder Singh Gill and Anr. v. The Chief Election Commissioner, New Delhi and Ors., (1978) 1 SCC 405***, particularly Para 8 thereof.

13. *Per contra*, Mr. Manish Kumar, learned counsel appearing on behalf of respondent/RCI submits that the certificate submitted by petitioners along with the proposal was not a valid PwD certificate, inasmuch as the same was not valid for a period of three years as required by the norms.

14. He submits that insofar as the policy notified *vide* circular dated 04.01.2024 is concerned, the same continues to be in vogue. Justifying his contention, he submits that this court *vide* judgment dated 31.05.2024 in Para 83, had quashed the said circular and set aside the same only to the extent it returns petitioner's application, however, the policy decision to discontinue the two year courses remained undisturbed.

15. He further submits that in deference to the direction given by the Court in the said judgment, the applications of petitioners were duly processed and the same was found deficient, therefore, the proposal was rejected.

16. Having heard the learned counsel for the parties, this Court notes that the controversy in the present petition dates back to the Circulars issued by the respondent/RCI, in response to which the petitioners applied for commencing two courses namely, (i) B.Ed.Spl.Ed.(LD) and (ii) B.Ed.Spl.Ed.(ID).



2026:DHC:2953



17. The Respondent/RCI issued circular dated 30.05.2023 inviting fresh proposals from institutions for grant of approval to conduct RCI approved training programmes from academic session 2024-25, which reads thus:

“F. No. 8-A/Policy (Recog)/2009/RCI

30th May, 2023

CIRCULAR

Sub: Invitation of Fresh Proposals for the Academic Session 2024-25:-reg.

The Council invites fresh proposals from the institutions for grant of approval to conduct RCI approved training programme (s) for the academic session 2024-25. The prescribed last dates for submission of proposals are as under:

Fresh proposals:

(i)	<i>Opening date for submission of fresh proposals through online portal</i>	<i>01/08/2023</i>
	<i>Last date of submission of fresh proposals</i>	<i>30/09/2023</i>
(ii)	<i>Last date of submission of fresh proposals with late fee of Rs.10000/-</i>	<i>15/10/2023</i>

It is also to be informed that separate circular will be issued in respect of proposals for extension of approvals.

(Vineet Singhal)
Member Secretary

Copy to:

Computer Section, RCI to uploading on the website”

18. Thereafter another circular dated 11.08.2023 was issued by RCI inviting fresh proposal (fresh & extension) for academic session 2024-25, which reads as under:

“F. No. 8-A/Policy (Recog)/2009/RCI

11th Aug, 2023

CIRCULAR

Sub: Invitation of Proposals (fresh & Extension) for the Academic Session 2024-25: reg.

This in continuation of Council Circular of even number dated 30.05.2023, it is for information to all concerned that the online portal will now open from 17.08.2023 for invitation of online proposals for grant of approval to conduct RCI approved training programme (s) for the academic session 2024-25. The prescribed last dates for submission of online proposals are as under:

(i)	<i>Opening date for submission of fresh and Extension proposals through online portal</i>	<i>17/08/2023</i>
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2026:DHC:2953



(ii)	Last date of submission of fresh and Extension proposals through online portal	30/09/2023
(iii)	Last date of submission of fresh and Extension proposals through online portal with late fee of Rs.10000/-	15/10/2023

(Dr. Honnoreddy N.)
Member Secretary

Copy to:

- i. Computer Section, RCI to uploading on the website.
- ii. All RCI approved institutions."

19. Thereafter RCI issued the guidelines dated 18.08.2023 for submission of application, consideration thereof and grant of approval.

20. Again vide circular dated 22.08.2023 the Respondent/RCI conveyed the decision of RCI to invite proposals for the Diploma Level Courses in Special Education from the academic session 2024-25. The circular reads as under:

“REHABILITATION COUNCIL OF INDIA
A Statutory Body of Ministry of Social Justice and Empowerment
Department of Empowerment of Persons with Disabilities (Divyangjan),
Government of India

F.No.8-A/Policy/(Recog)/2009/RCI

22.08.2023

CIRCULAR

In continuation of the Council's Circular of even number dated 27.04.2023 (copy enclosed) it is for information to all concerned that the Council has decided that Diploma courses in Special Education will continue till further decision and accordingly, Council will invite proposals for diploma level course in special education from the academic session 2024-25. However, if a diploma course in special education is already being conducted in a district, then special inspection as deemed appropriate will be carried out for the same new course applied by other institution in the same district.

(Dr. Honnareddy. N.)
Member Secretary

Encl: As above



2026:DHC:2953



Copy to:
Computer Section, RCI to upload on the website.”

21. Pursuant to various circulars of the RCI inviting proposal for the two year courses, the petitioner made applications for two courses on 29.09.2023 and 20.10.2023.

22. Again, vide circular dated 01.12.2023, RCI decided to cancel the circular dated 22.08.2023 and upheld the decision dated 27.04.2023 for discontinuation of Diploma Level Courses in Special Education. The circular dated 01.12.2023 reads thus:

“REHABILITATION COUNCIL OF INDIA
A Statutory Body of Ministry of Social Justice and Empowerment
Department of Empowerment of Persons with Disabilities (Divyangjan),
Government of India

F.No.8-A/Policy/(Recog)/2009/RCI

01.12.2023

CIRCULAR

This is for information to all concerned that the Council vide Circular of even number dated 27.04.2023 decided to discontinue inviting fresh proposals in respect of special education courses from the academic session 2024-25. Further, the Council vide Circular of even number dated 22.08.2023 invited proposals for diploma level courses in special education for the academic session 2024-25 (copies enclosed).

Now, the Council has upheld the decision taken on 27.04.2023 for discontinuation of diploma courses in special education and accordingly the Circular of even number dated 22.08.2023 stands cancelled.

This issue with the approval of the competent authority

(Dr. Honnareddy. N.)
Member Secretary

Encl: As above

Copy to:

1. PS to Chairperson, RCI



2. RCI approved institutions
3. Computer Section, RCI to upload on the website”

23. Sequel to above, respondent/RCI issued circular dated 04.01.2024 whereby it informed that it had decided not to grant new approvals to any institutions for running two year courses for providing special education from the academic session 2024-25. It was further informed that the institutions who desire to run integrated B.Ed Special Education of 04 years of duration may apply afresh for the academic session 2024-25. The circular dated 04.01.2024 reads thus:

“REHABILITATION COUNCIL OF INDIA
A Statutory Body of Ministry of Social Justice and Empowerment
Department of Empowerment of Persons with Disabilities (Divyangjan),
Government of India

F.No.8-A/Policy/(Recog)/2009/RCI

04 January, 2024

CIRCULAR

In order to upgrade the competency of teachers, the National Council for Teacher Education (NCTE) has launched the Integrated Teacher Education Programme (ITEP) under the New Education Policy (NEP) 2020 in which the duration of B.Ed. programme has been increased from two years to four years and discontinued giving approval of two years B.Ed. programme from the academic session 2023-24.

This Council has decided not to grant new approvals to any institutions for running two year B.Ed. (Special Education) programme(s) from the academic session 2024-25. The Council is in the process of developing a new training programme on the pattern of NCTE soon, as per NEP 2020.

All the institutions/colleges/universities who desire to run the. Integrated B.Ed. Special Education of 4 year duration (in line of the Integrated Teacher Education Programme-ITEP of NCTE) may apply afresh for the next academic session once the online portal is opened.

Sd/-
(Vikas Trivedi)
Member Secretary
(emphasis supplied)

24. This was followed by two more circulars of even date 08.03.2024.



One circular of 08.03.2024 informed the decision taken by RCI to enhance the seats in existing institutions to bridge the gap of special educators whereas the other circular of the even date returned the fresh proposals received from the institutions for 02 year courses and proposed to refund the process fee of all such institutions detailed in Annexure A. The details of two applications of the petitioners' college have been mentioned at Serial Nos. 360 and 361 in the said list of institutions (Annexure A).

25. Feeling aggrieved by the Circular dated 04.01.2024 and the two Circulars dated 08.03.2024, the petitioners as well as other similarly situated institutions filed separate writ petitions. The writ petition filed by the petitioners was numbered as W.P (C) 5679/2024 titled as ***Shanti Niketan of Special Education and Anr. Vs. Rehabilitation Council of India***. The said petition of the petitioner along with batch matters were decided by the coordinate bench of this court *vide* judgment dated 31.05.2024.

26. The court observed that not only proposals were notified by the RCI from the interested institutions; detailed guidelines were also framed and circulated. This guidelines required the institutions to possess specific infrastructural and financial resources. Acting on the promise held out by the RCI, the petitioners therein had invested considerable amount in setting up their institutions and making them approval friendly. Thus, the petitioners had clearly acted on the basis of representation held out by the RCI to all of them. It was further observed that the decision not to consider the fresh proposals for the D.Ed Special Education and B.Ed Special Education were not impelled by any consideration of supervening public equity, therefore, the respondent/RCI could not have refused to consider the fresh proposals submitted by the petitioners for D.Ed.Spl.Ed and



B.Ed.Spl.Ed courses for the academic sessions 2024-25.

27. The court held that the petitioners therein having clearly altered their position to their disadvantage on the basis of the representation held out by the respondent/RCI, which position cannot be reversed to restore the *status quo ante* to bring them back to the position in which they were.

28. The court also noted that para 5.2.1 of the National Education Policy 2020 (hereinafter NEP), coupled with the impugned enhanced seat circular dated 08.03.2024 pertaining to existing institutions indicates that there is a dearth of special educators and an urgent need to augment the available strength of such educators. Accordingly, the writ petitions were allowed and the impugned circulars dated 04.01.2024 and the two circulars of even date 08.03.2024, were quashed. The relevant extract from the said decision reads thus:

“75. In these circumstances, I am in agreement with Mr. Sharawat that in the overall facts and circumstances of the case, the respondents could not have refused to consider the fresh proposals submitted by the petitioners for commencing the D.Ed.Spl.Ed. and B.Ed.Spl.Ed. courses for the academic session 2024-2025.

76. This is not, therefore, a case in which the decision to resile on the representations, held out to the public, that fresh proposals for all Special Education Courses, including D.Ed.Spl.Ed. and B.Ed.Spl.Ed., could be submitted for consideration, can be said to have been prompted by supervening public equity or public interest.

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78. The petitioners have invested considerable amounts in setting up their institutions and marshalling the requisite infrastructure to satisfy the prescribed norms for conducting the D.Ed.Spl.Ed. and B.Ed.Spl.Ed. courses. The assertions to this effect in the writ petition filed by the petitioners are not traversed by the respondents in their counter-affidavit. Even otherwise, it is



obvious that setting up an educational institution involves a considerable amount of financial outlay, and investing of extensive resources. The petitioners have therefore clearly altered their position to their disadvantage on the basis of the representation held out by the respondent. It cannot be said that the petitioners are now in a position to restore the status quo ante or bring themselves back to the position in which they were before the impugned circulars had been issued by the RCI. The petitioners' institutions cannot be razed to the ground.

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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.Ed.Spl.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.

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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."

(emphasis supplied)

29. Pursuant to the aforesaid judgment, the respondent/RCI was under the obligation to process the application of the petitioners in accordance with law. However, it appears that the respondent/RCI vide its impugned letter



dated 24.06.2024 informed the petitioners that it has re-scrutinised the proposals submitted by the them for – (i) B.Ed. Spl. Ed.(LD) (ii) B.Ed. Spl. Ed.(ID) courses along with all the documents in light of the norms and guidelines and following three common deficiencies are noted in both courses:

- (i) PwD certificate submitted is valid till 2023,
- (ii) List of 30 students attached without mentioning disability and UDID; and
- (iii) No details of faculty mentioned, no consent submitted.

30. Thus, the fresh proposals submitted by the petitioners for both the courses were not considered by the RCI observing that the petitioners have failed to meet the requisite documents, as per the norms and guidelines for the fresh proposals.

31. As regards the deficiency pertaining to PwD certificate purportedly valid till 2023, this court finds that when the applications for approval were submitted by the petitioners with regard to the two courses on 29.09.2023 and 20.10.2023, the certification of registration (Annexure R-1) under the PwD Act was valid for a period of three years commencing from 10.12.2020 to 09.12.2023. Further, before the expiry of said certificate, the certificate was revalidated on 15.12.2023 (Annexure P-11) for a period of another three years and the said renewal is valid till 14.12.2026.

32. In respect of the deficiency pointed out in the list of 30 students, which allegedly does not contain disability and UDID, the list of such candidates dated 25.09.2023 which has been placed on record reveals that the disability and UDID certificate has been specifically mentioned.

33. On a query posed by the Court that since the list is of September,



2023 and whether the said students are still available, Mr. Kumar, on instructions, stated that good number of students are still available for taking up the special education courses, the details of which can be furnished to the respondent/RCI in the event, fresh inspection is carried out.

34. In so far as the deficiency pertaining to non-furnishing of details of faculty or their consent is concerned, attention of the court was drawn by Mr. Amitesh Kumar to the list of 08 teaching faculty and 02 staff members. On being queried as to the availability of such faculty as on date, on instructions, he stated that the faculty is still available with the institute and necessary details could be furnished, as and when inspection is undertaken by the RCI, if so ordered by the court.

35. Be that as it may, respondent/RCI could not have rejected the petitioners' proposal without affording them an opportunity to cure or justify the said defects. Thus, respondent/RCI has flouted the principles of natural justice. Reliance in this regard may be had to the decision of the Hon'ble Supreme Court in ***Mrs. Meneka Gandhi v. Union of India & Anr., (1978) 1 SCC 248*** wherein it was held that even in the absence of an express statutory provision, where an administrative action entails civil consequences or prejudicially affects a person, the duty to act fairly and afford a reasonable opportunity of being heard must be read into the exercise of such power. The Court emphasized that any authority vested with the power to take a decision affecting rights is under an implicit obligation to act judicially, and failure to observe the basic tenets of natural justice, particularly the right to be heard, renders such decision arbitrary and liable to be set aside. The relevant extracts from ***Meneka Gandhi (supra.)*** are reproduced below:



“221. It is well established that even where there is no specific provision in a statute or rules made thereunder for showing cause against action proposed to be taken against an individual, which affects the rights of that individual, the duty to give reasonable opportunity to be heard will be implied from the nature of the function to be performed by the authority which has the power to take punitive or damaging action. This principle was laid down by this Court in the State of Orissa v. Dr (Miss) Binapani Dei [AIR 1967 SC 1269, 1271 : (1967) 2 SCR 625 : (1967) 2 LLJ 266] in the following words:

“The rule that a party to whose prejudice an order is intended to be passed is entitled to a hearing applies alike to judicial tribunals and bodies of persons invested with authority to adjudicate upon matters involving civil consequences. It is one of the fundamental rules of our constitutional set-up that every citizen is protected against exercise of arbitrary authority by the State or its officers. Duty to act judicially would, therefore arise from the very nature of the function intended to be performed : it need not be shown to be superadded. If there is power to decide and determine to the prejudice of a person, duty to act judicially is implicit in the exercise of such power. If the essentials of justice be ignored and an order to the prejudice of a person is made, the order is a nullity. That is a basic concept of the rule of law and importance thereof transcends the significance of a decision in any particular case.”

36. The aforesaid position stands further reinforced by the decision of this court in ***Madhu Vachaspati Institute of Pharmacy v. Pharmacy Council of India, 2023 SCC OnLine Del 282***, wherein in an analogous factual matrix involving rejection of institutional approval on alleged deficiencies, in essence it was observed that the authority is under an obligation to specifically communicate the deficiencies along with the inspection report and afford the concerned institution an opportunity to rectify the same before taking a final decision.

37. Fairness in administrative action mandates prior disclosure of



deficiencies by the regulatory authority and grant of reasonable and meaningful opportunity to cure them. This court finds that *vide* impugned letter dated 24.06.2024, the respondent/RCI notified the deficiencies and at the same time rejected the proposals of the petitioners, without giving any opportunity, whatsoever, to the petitioners to justify or cure the same.

38. In the writ petition, particularly in para 35 thereof, the petitioners have given detailed explanation and specifically averred that petitioner institution does not suffer from deficiencies pointed out by respondent/RCI. Para 35 of the writ petition is reproduced hereunder:

“35. That it is submitted that respondent has issued impugned communication on three grounds namely (i) PwD Certificate not submitted is valid till 2023, (ii) List of 30 students attached without mentioning disability and UDID and (iii) No details of faculty mentioned, no consent submitted. So far as requirement of PWD certificate is concealed, the petitioner has submitted the PWD certificate dated 15.12.2023 which is valid for a period of three year from the date of issue. Thus the first observation of respondent in the impugned communication is factually incorr6ct and cannot be sustained. So far as list of 30 students attached by Petitioners without mentioning disability and UD ID is concerned, the petitioner has the required number of students alongwith their UD ID. If the respondent would have pointed out above deficiency, the petitioner would have submitted the same within the stipulated time. Further the petitioner also has the requisite faculty members for running proposed two courses. Thus, it is apparent that petitioner institution does not suffer from deficiencies pointed out by respondent and the petitioners are entitled for consideration and processing of their application in accordance with norms & standards laid down by RCI. It is submitted that norms notified by RCI i.e. manual on assessment of training institutions as well as communication dated 18.08.2023 does not contemplates submission of consent of faculty, therefore, RCI is not justified in returning the applications on the above ground. However, without prejudice to its rights and contentions,



petitioners are willing to submit consent of faculty members. . A true copy of list of faculty for both courses and list of students with details of their disability and UD ID are annexed herewith and being marked as ANNEXURE P-20 (Colly).”

39. Incidentally, in the corresponding Para 35 of the counter-affidavit, respondent/RCI has pointed out only one deficiency to the effect that along with the application / proposal submitted by petitioners, no valid PWD certificate was submitted. Para 35 of the counter-affidavit is reproduced hereunder:

“35. That the contents of paragraph 35 are denied for want of knowledge. It is humbly submitted that the Petitioner be put to strict proof. It is humbly submitted that the Petitioner at the time of submitting the its Application/proposal failed to submit a valid PwD certificate. It shall be essential to mention that the certificate was only valid till 9-12-2023.”

40. As noted above, the petitioners were possessing valid certificate under the PwD Act at the time when proposals for new courses were submitted and the same is still valid till 14.12.2026. Had an opportunity been provided to the petitioners, they could have furnished all relevant material and details to the satisfaction of the RCI and, if necessary, could have rectified the defects/deficiencies pointed out in the impugned order, which by their very nature appear to be curable. Intriguingly, the said course was not resorted to.

41. The action of RCI in rejecting the petitioner’s proposal without prior disclosure of defects and without affording an opportunity to cure the same is manifestly arbitrary, contrary to the principles of natural justice, and therefore unsustainable in law.

42. In its additional affidavit dated 30.07.2025, the respondent/RCI



departed from its original stand and stated that it has discontinued the two years B.Ed Courses *vide* circular dated 01.12.2023. Incidentally pursuant to circular dated 01.12.2023 another circular dated 04.01.2024 was issued whereby it informed that RCI has decided not to grant new approvals to any institutions for running two year courses for providing special education from the academic session 2024-25. This circular of 04.01.2024 has already been quashed by this Court *vide* judgment dated 31.05.2024, therefore, the RCI cannot justify its stand to discontinue the two year special education courses on the anvil of circular dated 01.12.2024, which in essence conveys the same decision which was reiterated in the quashed circular dated 04.01.2024.

43. The submission that the circulars which were quashed *vide* judgment 31.05.2024, were set aside only to the extent it returns the petitioners' application, whereas the decision taken therein with regard to discontinuation of two years course remains undisturbed, is noted to be rejected. The operative part of the said judgment whereby the circulars impugned therein have been quashed, is predicated on the finding that the petitioners have invested considerable amounts in setting up their institutions and marshalling the requisite infrastructure to satisfy the prescribed norms for conducting special education courses and thereby clearly altered their position to their disadvantage on the basis of the representation held out by the RCI and the restoration of *status quo ante* is also not possible nor the decision of the RCI to resile from the representations, held out to the public, appears to be permissible by supervening public equity or public interest.

44. In the backdrop of above findings, it cannot be concluded by any



stretch of imagination that the decision in the impugned circular dated 04.01.2024 not to grant new approvals to any institutions for running two years special education courses for the academic session 2024-25 has not been quashed and remains undisturbed. The expression '*to the extent it returns the petitioners*' application only signifies that other decisions taken in the quashed circulars viz. decision to enhance the seats in existing institutions, as well as, the invitation of proposals for integrated B.Ed. Special Education for 4 year duration for the next academic session, remains intact.

45. In view of the above discussion, the petition deserves to be allowed and the impugned letter dated 24.06.2024 (Annexure P-1) is quashed and set aside with the following directions:

- (i) the respondent/RCI shall carry out inspection of the petitioners' institution and point out defect/deficiencies, if any, within a period of 04 weeks from today, and
- (ii) if any defects/deficiencies are found by the respondent/RCI, it shall notify the same to the petitioner, affording two weeks time to cure the same,
- (iii) thereafter, a final decision shall be taken by the respondent/RCI by passing a speaking order within a period of one week.

46. The petition, along with pending applications, if any, stands disposed of.

VIKAS MAHAJAN, J

APRIL 9, 2026/jg/dss