



W.P. No. 9500/2013

**IN THE HIGH COURT OF MADHYA
PRADESH
AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

WRIT PETITION No. 9500 of 2013

DALCHAND AHIR

Versus

***PRINCIPAL SECRETARY STATE OF M.P. AND 3 ORS. AND
OTHERS***

Appearance:

Shri Jayaditya Srivastav –Advocate on behalf of Shri
Prasanna R. Bhatnagar- Advocate for the petitioner.
Ms.Swati Ukhale – GA for the respondents/State.

Reserved on : 07/05/2026

Post on : 10/07/2026

ORDER

**W.P. No. 9500/2013**

1. The present writ petition under Article 226 of the Constitution of India has been filed by the petitioner challenging the inaction and arbitrary decision of the respondents, whereby the petitioner has been denied appointment to the post of Special Education Teacher in Samvida Shala Shikshak Grade-III. The petitioner seeks a writ of mandamus directing the respondents to consider his case and grant him appointment along with all consequential benefits and seniority, alleging that the denial is highly discriminatory and violative of Articles 14, 15, and 16 of the Constitution of India.

2. The factual matrix, as delineated in the petition, is that the petitioner completed his Diploma in Education (D.Ed.) in Mental Retardation in the year 2011 from “Digdarshika Institute of Rehabilitation & Research, Bhopal”. The said institute is affiliated with and approved by the Rehabilitation Council of India (RCI) for training Special Education Teachers, its name finding place at Serial No.263 in the list of approved institutes by the RCI. Upon completion of the said course, the petitioner also received a certificate from the RCI.

**W.P. No. 9500/2013**

3. Subsequently, the petitioner appeared in the Samvida Shala Shikshak (Grade-III) Eligibility Test, 2011, and secured 83.72 marks out of 150, being declared qualified. Following online document verification and choice filling, the petitioner was allotted Janpad Panchayat, Kukshi, District - Dhar for appointment.

4. The grievance of the petitioner arose when he appeared before Janpad Panchayat, Kukshi for joining. It is stated that respondent No. 4, without applying his mind, wrote to the higher officials that the name of the petitioner's institute was not present in the list of National Council for Teacher Education (NCTE) approved institutions. Consequently, the petitioner was denied the appointment letter, despite having successfully cleared the entire recruitment process.

5. Learned counsel for the petitioner submits that the impugned action suffers from a complete non-application of mind and amounts to a mechanical exercise of power. It is contended that for the appointment of a Special Education Teacher, the relevant regulatory and affiliating authority is the RCI, not the NCTE. To substantiate this, the petitioner relies

**W.P. No. 9500/2013**

on a Memorandum of Understanding (MoU) signed between the NCTE and the RCI. The preamble of the said MoU reads exactly as under: “India has already launched a *sarva shiksha abhiyan* aimed at bringing all children to school and enabling them to complete elementary education by 2010. The objective is to ensure that every child of the country has had elementary education by 2010. WHO and the United Nations General Assembly estimated that 10% of the children population has some physical, sensory or cognitive impairment which may interfere with the process of receiving education unless support services are provided. For the last many centuries or so this country has segregated these children in Special schools which have been able to reach very small percentage of children with special needs. In the last 10 years or so it has been realized that inclusive education is feasible and profitable. By including children with special needs in regular schools, both children with special needs and regular children will benefit. The RCI has been charged with the responsibility of standardizing the syllabi and regulating and monitoring the training of teachers who teach children with special needs. Indeed, it is mandatory on the part of these teachers to be registered with RCI. On the

**W.P. No. 9500/2013**

other hand, it is the responsibility of the NCTE to regulate and monitor the training of regular teachers. Now, as we are thinking of inclusive education, it is necessary for RCI and NCTE to act in a convergent manner within the purview of their statutory provisions.”

6. The petitioner further contends that the respondents have engaged in hostile discrimination. It is pleaded that similarly situated candidates possessing identical qualifications from the very same or similar RCI-affiliated institutes have been granted appointments. Specifically, one Arjun Ahir was appointed as a Special Education Teacher in 2013 by the respondents.

7. Relying on the jurisprudential concept of discrimination under Articles 14 and 16, the petitioner relies upon the observations made by the Hon’ble Apex Court in **State of H.P. v. Anjana Devi, (2009) 5 SCC 108**, reproducing the text as follows:

“16. Insofar as the technical service vacancies are concerned, as noticed above, reservation was introduced for the first time with effect from 3-5-1983. Discrimination presupposes classification of similarly situated persons into different groups without any

**W.P. No. 9500/2013**

reasonable basis, for extending dissimilar benefits or treatment. The technical services and non-technical services were clearly different. Persons appointed against reserved vacancies after reservation was provided, and persons appointed before introduction of reservation, clearly belong to different classes. As reservation was introduced for posts in technical services with effect from 3-5-1983, ex-servicemen who were appointed against non-reserved technical posts on or after 3-5-1983 were given the option to accept the subsequently arising reserved vacancies.”

8. *Per contra*, the respondents have filed their reply/return refuting the claims of the petitioner. It is submitted that prior to the issuance of appointment letters, all documents were subject to verification. During this process, it became apparent that the university from which the petitioner claimed to have obtained his D.Ed. qualification was not valid for the post of Samvida Shala Shikshak Grade-III.

9. The respondents state that the Collector (Tribal Development), Dhar, through letter dated 27.5.2011, and the Commissioner, Directorate of Public Instruction, Bhopal, through letter dated 2.3.2013, had issued explicit instructions that verification centers must check the list of recognized

**W.P. No. 9500/2013**

institutions on the NCTE website (www.ncteindia.org) and complete the verification accordingly.

10. Furthermore, the respondents have averred that the candidates named by the petitioner are not affiliated with Janpad Panchayat Kukshi, nor have they been impleaded as parties. The respondents claim that the petitioner submitted a copy of a certificate from Manipal University, which does not reflect on the state and central government recognized lists, thereby justifying the denial of appointment.

11. Heard the pleadings and perused the record. This Court exercises its extraordinary jurisdiction under Article 226 of the Constitution of India, the scope of which encompasses the judicial review of administrative actions to ensure they are free from arbitrariness, unreasonableness, and discrimination.

12. Based on the pleadings and the strict directions provided for the disposal of this matter, the solitary issue that arises for the consideration of this Court is whether the respondents were justified in denying appointment to the petitioner on the ground

**W.P. No. 9500/2013**

that his institute was not approved by the NCTE, ignoring the RCI affiliation required for Special Education Teachers.

13. It is an undisputed fact that the petitioner applied for and cleared the eligibility test for the specific post of "Special Education Teacher". The core controversy stems from the respondents applying the parameters meant for regular teachers (NCTE approval) to a candidate seeking appointment as a special educator.

14. A bare perusal of the Memorandum of Understanding (MoU) executed between the NCTE and the RCI, as reproduced by the petitioner and uncontroverted in the return, unequivocally demarcates the statutory responsibilities of both bodies. It explicitly records that the RCI is charged with the responsibility of regulating and monitoring the training of teachers who teach children with special needs, whereas the NCTE is responsible for regular teachers.

15. In view of the explicit demarcation in the MoU, the action of respondent No.4 and the verification authorities in testing the validity of the petitioner's D.Ed. (Mental

**W.P. No. 9500/2013**

Retardation) certificate on the anvil of the NCTE approved list (www.ncteindia.org) is fundamentally flawed. The respondents acted in a pedantic and mechanical manner, failing to appreciate the distinction between a regular educator and a special educator.

16. The defence taken by the respondents regarding circulars dated 27.5.2011 and 2.3.2013 cannot salvage their arbitrary action. These circulars mandate NCTE verification generally, but they cannot override the statutory domain of the RCI concerning Special Education. Applying general circulars blindly to a specialized category without application of mind renders the administrative action arbitrary and violative of Article 14 of the Constitution of India.

17. Further, the respondents' contention in their reply referencing "Manipal University" appears to be wholly misplaced and reflects a non-application of mind to the petitioner's specific case. The petitioner's pleadings and the RCI certificate (Annexure R/4 itself) clearly demonstrate that his training was conducted at the "Digdarshika Institute of

**W.P. No. 9500/2013**

Rehabilitation & Research, Bhopal," which is duly recognized by the RCI at Serial No. 263.

18. The petitioner has also successfully demonstrated that hostile discrimination has been meted out to him. By citing the appointment of another similarly situated candidate (Arjun Ahir) possessing similar qualifications, the petitioner has established that equals have been treated unequally without any intelligible differentia, thereby violating the mandate of Article 16 of the Constitution of India.

19. This Court finds that the petitioner, having successfully cleared the eligibility examination, secured the requisite merit (83.72 marks), and possessing a valid RCI-recognized qualification for the post of Special Education Teacher, was unlawfully and arbitrarily deprived of his appointment on flimsy and legally unsustainable grounds.

20. Consequently, the impugned action/decision of the respondents in rejecting/withholding the appointment of the petitioner is hereby **quashed**. In the result, the present writ petition is **allowed**.

**W.P. No. 9500/2013**

21. The respondents are directed to forthwith consider the case of the petitioner and issue the appointment letter for the post of Special Education Teacher in Samvida Shala Shikshak Grade-III at the allotted Janpad Panchayat, Kukshi, District - Dhar, within a period of **60 days** from the date of receipt of a certified copy of this order.

22. The petitioner shall be entitled to all consequential benefits, including seniority on a notional basis from the date when similarly situated candidates were appointed. However, applying the principle of 'no work, no pay', the petitioner shall not be entitled to actual monetary arrears for the intervening period.

23. In the facts and circumstances of the case, there shall be no order as to costs.

(Jai Kumar Pillai)
Judge

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