

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No(s).132/2016

RAJNEESH KUMAR PANDEY & ORS.

Petitioners

VERSUS

UNION OF INDIA & ORS.

Respondents

[TO BE TAKEN UP AT 3.30 P.M.] VIDE HON'BLE COURT'S ORDER DATED
12.02.2026 ONLY STATE OF WEST BENGAL AND KERALA TO BE HEARD

I.A. No.141285/2023-CLARIFICATION/DIRECTION

I.A. No.141284/2023-INTERVENTION APPLICATION

WITH

Diary No(s). 51301/2025 (X)

I.A. No.277287/2025 - CLARIFICATION/DIRECTION

Diary No(s). 52515/2025 (X)

Diary No(s). 54064/2025 (X)

I.A. No.239359/2025-CONDONATION OF DELAY IN FILING

Diary No(s). 57696/2025 (X)

I.A. No.254489/2025-CONDONATION OF DELAY IN FILING

I.A. No.254498/2025-EXEMPTION FROM FILING O.T.

CONMT.PET.(C) No. 591/2022 in W.P.(C) No. 132/2016 (X)

I.A. No.160599/2025-CLARIFICATION/DIRECTION

I.A. No.160600/2025-EXEMPTION FROM FILING O.T.

I.A. No.136828/2022-EXEMPTION FROM FILING O.T.

I.A. No.156275/2024-EXEMPTION FROM FILING O.T.

I.A. No.5723/2023-EXEMPTION FROM FILING O.T.

I.A. No.157707/2022-EXEMPTION FROM FILING O.T.

I.A. No.156274/2024-INTERVENTION/IMPLEADMENT

I.A. No.31726/2023-INTERVENTION/IMPLEADMENT

I.A. No.5722/2023-INTERVENTION/IMPLEADMENT

I.A. No.156466/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES

CONMT.PET.(C) No. 856/2023 in W.P.(C) No. 132/2016 (X)

I.A. No.297046/2025 - APPROPRIATE ORDERS/DIRECTIONS

I.A. No.62867/2023 - EXEMPTION FROM FILING O.T.

Diary No(s). 10073/2024 (X)

I.A. No.75509/2024 - CONDONATION OF DELAY IN FILING

I.A. No.55972/2024 - EXEMPTION FROM FILING O.T.

Diary No(s). 27076/2024 (X)

I.A. No.133338/2024 - CONDONATION OF DELAY IN FILING

I.A. No.133339/2024 - EXEMPTION FROM FILING O.T.

Diary No(s). 40533/2024 (X)

I.A. No.210700/2025 - APPROPRIATE ORDERS/DIRECTIONS

I.A. No.201178/2024 - CONDONATION OF DELAY IN FILING

I.A. No.243939/2024 - INTERVENTION/IMPLEADMENT

I.A. No.200950/2025 - INTERVENTION/IMPLEADMENT

I.A. No.157415/2025 - INTERVENTION/IMPLEADMENT

CONMT.PET.(C) No. 589-591/2025 in W.P.(C) No. 132/2016 (X)

I.A. No.281751/2025 - APPROPRIATE ORDERS/DIRECTIONS

I.A. No.244205/2025 - INTERVENTION/IMPLEADMENT

I.A. No.189103/2025 - INTERVENTION/IMPLEADMENT

I.A. No.38065/2026 - INTERVENTION/IMPLEADMENT

I.A. No.15253/2026 - INTERVENTION/IMPLEADMENT

I.A. No.309336/2025 - INTERVENTION/IMPLEADMENT

I.A. No.285356/2025 - INTERVENTION/IMPLEADMENT

I.A. No.269600/2025 - INTERVENTION/IMPLEADMENT

CONMT.PET.(C) No. 554-556/2025 in W.P.(C) No. 132/2016 (X)

I.A. No. 269063/2025-EXEMPTION FROM FILING O.T.

CONMT.PET.(C) No. 520-522/2025 in W.P.(C) No. 132/2016 (X)

I.A. No. 156720/2025-EXEMPTION FROM FILING O.T.

I.A. No. 282001/2025-INTERVENTION/IMPLEADMENT

CONMT.PET.(C) Nos.603-605/2025 in W.P.(C) No. 132/2016 (X)

I.A. No.167407/2025-EXEMPTION FROM FILING O.T.

I.A. No.273417/2025-INTERVENTION/IMPLEADMENT

Diary No(s). 44233/2025 (X)

I.A. No.190229/2025-CONDONATION OF DELAY IN FILING

I.A. No.219743/2025-INTERVENTION/IMPLEADMENT

Diary No(s). 46686/2025 (X)

I.A. No. 202571/2025 - CONDONATION OF DELAY IN FILING

I.A. No. 202570/2025 - EXEMPTION FROM FILING O.T.

Diary No(s). 46953/2025 (X)

I.A. No.211158/2025 - CONDONATION OF DELAY IN FILING

I.A. No.211159/2025 - EXEMPTION FROM FILING O.T.

Diary No(s). 47542/2025 (X)

I.A. No.208201/2025-CONDONATION OF DELAY IN FILING

Diary No(s). 50342/2025 (X)

I.A. No.221053/2025-CONDONATION OF DELAY IN FILING

Diary No(s). 50639/2025 (X)

I.A. No.305372/2025 - APPROPRIATE ORDERS/DIRECTIONS

I.A. No.222174/2025 - CONDONATION OF DELAY IN FILING

I.A. No.305373/2025 - EXEMPTION FROM FILING O.T.

W.P.(C) No. 876/2017 (X)

I.A. No.326913/2025 - APPROPRIATE ORDERS/DIRECTIONS

I.A. No.29329/2018 - EXEMPTION FROM FILING O.T.

I.A. No.29969/2018 - INTERVENTION/IMPLEADMENT

I.A. No.327086/2025 - INTERVENTION/IMPLEADMENT

I.A. No.7557/2019 - INTERVENTION/IMPLEADMENT

W.P.(C) No. 1099/2023 (X)

FOR ADMISSION

Diary No(s). 46243/2024 (X)

I.A. No.230583/2024 - CONDONATION OF DELAY IN FILING

I.A. No.230575/2024 - EXEMPTION FROM FILING O.T.

I.A. No.37532/2026 - INTERVENTION/IMPLEADMENT

**I.A. No.2518/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES**

Diary No(s). 51158/2024 (X)

I.A. No.252704/2024 - CONDONATION OF DELAY IN FILING

I.A. No.272685/2024 - INTERVENTION/IMPLEADMENT

Diary No(s). 10426/2025 (X)

I.A. No.52265/2025 - CONDONATION OF DELAY IN FILING

I.A. No.52273/2025 - EXEMPTION FROM FILING O.T.

I.A. No.72760/2025 - INTERVENTION/IMPLEADMENT

Diary No(s). 12749/2025 (XVI)

I.A. No.164101/2025-CLARIFICATION/DIRECTION

I.A. No.85261/2025-CONDONATION OF DELAY IN FILING

I.A. No.85262/2025-EXEMPTION FROM FILING O.T.

I.A. No.164103/2025-EXEMPTION FROM FILING O.T.

SLP(C) No. 16838/2025 (XIV)

I.A No.326918/2025-CLARIFICATION/DIRECTION

**I.A No.146998/2025-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT**

I.A. No.147198/2025-INTERVENTION/IMPLEADMENT

I.A. No.265960/2025-INTERVENTION/IMPLEADMENT

I.A. No.222659/2025-INTERVENTION/IMPLEADMENT

**I.A. No.285364/2025-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES**

I.A. No.222661/2025-PERMISSION TO FILE APPLICATION FOR DIRECTION

Diary No(s). 73405/2025 (X)

I.A. No.332877/2025 - APPLICATION FOR PERMISSION

I.A. No.23780/2026 - EXEMPTION FROM FILING O.T.

Diary No(s). 6331/2026 (X)

**I.A. No.33811/2026-APPLICATION FOR EXEMPTION FROM FILING THE
RESIDENTIAL ADDRESS OF RESPONDENT/CONTEMNOR WITH AFFIDAVIT**

I.A. No.33812/2026-CONDONATION OF DELAY IN FILING
I.A. No.33810/2026-EXEMPTION FROM FILING O.T.

SLP(C) No. 1607-1608/2026 (XII-A)
FOR ADMISSION

Date : 17-02-2026 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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**UPON hearing the counsel the Court made the following
O R D E R**

1. Ms. Aishwarya Bhati, learned Additional Solicitor General appearing for the Union of India submits, on instructions, that anyone aspiring for appointment as a special teacher in Classes IX to XII must be Teacher Eligibility Test (TET) qualified.
2. We require the UoI to file an affidavit and plead that:
 - (i) A special educator seeking appointment to teach students of Classes IX to XII (secondary stage) are required to qualify TET.
 - (ii) The note under recruitment process in the communication dated 10th June, 2022 of the Under Secretary to the Government of India, Ministry of Education, Department of School Education & Literacy is applicable to all stages (foundation stage, preparatory stage, middle stage and secondary class).
3. Such affidavit may also throw light on whether the Central and any of the State Governments have conducted any TET since 2010 for the secondary stage. If yes, the particulars may be furnished.
4. Our attention has been drawn to the order dated 21st July, 2022 passed by a three-Judge Bench of this Court. After extracting the entirety of the aforesaid communication dated 10th June, 2022, this Court made the following direction:

“The highlighted portion of this communication be treated as directions given by this Court to the States/Union Territories in terms of this order. The concerned States/Union Territories shall submit compliance report through Secretary, Government of India, Ministry of Education, Department of School Education and Literacy before the next date.”

5. One of the paragraphs from the said communication, as highlighted, reads as follow:

4. Regarding RCI recommendation contained in Note 2 (#) of para 2 above, i.e. "the parity of pay and service conditions should be adhered to for special education teachers as done for general education teachers at national and state levels", it is related to respective State Governments/ UT Administrations as Education being in the concurrent list of subjects. Therefore, State Governments/ UT Administrations may ensure.

6. Mr. Vijay Raghavan, learned senior counsel appearing for one set of intervenors, submits that not to speak of the State of West Bengal, no other State has complied with the aforesaid requirement of ensuring parity of pay and service conditions as far as the contractual teachers are concerned.

7. Learned amicus curiae has brought to our notice that the aforesaid direction was reiterated by this Court in its order dated 07th March, 2025.

8. We require each of the State Governments to file affidavits and plead compliance of the aforesaid directions contained in the order dated 21st July, 2022 and 07th March, 2025, within a month from date.

9. We record the submission of Mr. P. V. Dinesh, learned senior counsel for the State of Kerala, that the requisite affidavit has been filed in terms of the earlier order dated 12th February, 2026.

10. We propose to take up the claims pertaining to the States of Kerala, West Bengal and Odisha (as well as the other States, subject to availability of time) on 26th February, 2026 at 03:30 p.m.

(RASHMI DHYANI PANT)
ASTT. REGISTRAR-cum-PS

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)