

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION(S)(CIVIL) NO(S). 661/2023

BHAGWAN KRISHNA

PETITIONER(S)

VERSUS

THE UNION OF INDIA & ANR.

RESPONDENT(S)

O R D E R

The present petition has been instituted by the petitioner seeking invalidation of a notification dated 28.06.2018 issued by the National Council for Teacher Education (hereinafter "the NCTE") in terms of direction of the Central Government given under Section 23(1) of Right of Children to Free and Compulsory Education Act, 2009. This notification introduced certain amendments to an earlier notification dated 23rd August 2010 laying down necessary qualification for teachers, both at the primary as also the upper primary level. Substance of the amendment notification was that the candidates holding B.Ed. degree would be entitled to be appointed as primary school teachers subject to fulfilling certain other requirements.

In the judgment of this Court delivered in *Civil Appeal* **05068** of 2023 arising from SLP(C)No.20743/2021 titled "*Devesh Sharma vs. Union of India & Ors.*" on 11.08.2023, the said notification has been directed to be quashed. By this judgment this

Court upheld the decision of the Rajasthan High Court quashing the said notification. We apply the ratio of the said judgment in this writ petition.

The present petition stands allowed in terms of prayer 'a' to the extent the same relates to the notification issued by the NCTE on 28.06.2018. Consequential advertisements and other subsequent steps taken in pursuance thereof shall also stand invalidated. The State of Bihar is not a party before this Court in this petition. As such, we make no comment as regards the notifications issued by the State of Bihar, the legality of which have been challenged in this writ petition. But this Court expects that the State of Bihar shall take into account the judgment of this Court delivered on 11.08.2023.

Pending application(s), if any, shall stand disposed of.

There shall be no order as to costs.

..... J.
(ANIRUDDHA BOSE)

..... J.
(SANJAY KUMAR)

..... J.
(S.V.N. BHATTI)

NEW DELHI;
August 28, 2023

ITEM NO.59

COURT NO.3

SECTION X

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

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(FOR ADMISSION and IA No.121468/2023-STAY APPLICATION and IA No.121466/2023-EXEMPTION FROM FILING O.T., IA No. 127493/2023 - APPLICATION FOR PERMISSION TO AMEND MEMO OF PARTIES, IA No. 144121/2023 - EXEMPTION FROM FILING O.T. & IA No. 144119/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 28-08-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Dinesh Kumar Tiwary, Adv.
Mr. Rakesh Ranjan, Adv.
Mr. Chandan Kumar, Adv.
Mr. Sarbendra Kumar, Adv.
Ms. Jaya Kumari, Adv.
Ms. Anita Pandey, Adv.
Mr. Shailendra Kumar Tiwari, Adv.
Ms. Neelam Chand, Adv.
Mr. Keshav Choudhary, Adv.
Mr. Hem Kr.Singh, Adv.
Mr. Santosh Kumar Tripathi, AOR

For Respondent(s) Ms. Manisha T. Karia, AOR
Ms. Nidhi Nagpal, Adv.
Mr. Aditya Kesar, Adv.
Mr. Rohan Trivedi, Adv.
Ms. Riya Kharab, Adv.

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

The writ petition is allowed in terms of the signed order,
which is placed on the file.

Pending application(s), if any, shall stand disposed of.

(NIRMALA NEGI)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR