IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

MONDAY, THE 7TH DAY OF APRIL 2025 / 17TH CHAITHRA, 1947

WP(C) NO. 2078 OF 2017

PETITIONER:

OOMMEN JOHN,
AGED 29 YEARS, S/O. OOMMEN JOHN, RESIDING AT KARINGOTTU PARAMBIL, CHERIMUKKU, KONNI P.O., KONNI TALUK, PATHANAMTHITTA DISTRICT, PIN-689691.

ADV. SRI.MANU RAMACHANDRAN

RESPONDENTS:

1 THE UNION OF INDIA,
REPRESENTED BY PRINCIPAL SECRETARY, MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT, SHASTRI BHAWAN, C-WING, DR.RAJENDRA PRASAD ROAD, NEW DELHI-110011.

2 THE REHABILITATION COUNCIL OF INDIA,
RCI HOUSE, B-22, QUTUB INSTITUTIONAL AREA, NEW DELHI-110016, REPRESENTED BY ITS CHAIRMAN.

3 THE MEMBER SECRETARY,
THE REHABILITATION COUNCIL OF INDIA, RCI HOUSE, B-22, QUTUB INSTITUTIONAL AREA, NEW DELHI-110016.

SRI.JAGADEESH LAKSHMAN, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26.3.2025, THE COURT ON 7.4.2025 DELIVERED THE FOLLOWING:

MOHAMMED NIAS C. P. , J.

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W. P. (C) No. 2078 of 2017

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Dated this the 7th day of April, 2025

JUDGMENT

The petitioner, a rehabilitation professional with a Bachelor's Degree in Audiology and Speech-Language Pathology, is registered with the Rehabilitation Council of India (RCI) under Section 19 of the Rehabilitation Council of India Act, 1992 *(hereinafter referred to as 'the RCI Act')*. The petitioner contends that the Exhibit P1 registration certificate issued on 15.9.2009 includes a condition requiring renewal every seven years based on Continuing Rehabilitation Education (CRE) points, which lacks legal backing under the Act.

2. The petitioner, employed under the National Rural Health Mission, Pathanamthitta, secured a job offer from Jordanian Speech Clinic, UAE (Exhibits P2 & P3). However, the prospective employer declined the petitioner's existing certificate due to its renewal clause. Consequently, the petitioner applied for renewal on 27.9.2016 via the online facility provided by the RCI, receiving a provisional registration certificate (Exhibit P4) pending verification of documents and fees. Despite the submission of all requisite documents and remittance of fees

duly acknowledged by the RCI on 26.10.2016, the renewed certificate was not issued. Instead, the petitioner was directed to obtain 100 CRE points as a precondition for renewal, as stated in Exhibit P5, which the petitioner contends is a requirement not stipulated in the Act or rules.

3. The petitioner contends that the provision of the Act, including Section 19, contemplates one-time registration for the professional, but Exhibit P1 Registration Certificate provides a condition of re-evaluation every seven years and the same will be conducted based on participation in Continuing Rehabilitation Education Programmes etc., which is not supported by the law or the rules made thereunder. It is argued that said condition was incorporated in the Exhibit P1 certificate without the support of any law or rules governing the field. It is argued that the second and the third respondents have no power except what is drawn from the Act and rules, and thus the condition as stipulated in Exhibit P5 is *ultra vires* the Rehabilitation Council of India Act, 1992, and amendments made until 2000.

4. The petitioner contends that the delay in issuing the renewed registration certificate has adversely affected the petitioner's employment opportunities. Further, this Court, through an interim order dated 17.2.2017, directed the respondents to provisionally renew the petitioner's registration, which was complied with on 17.03.2017, granting him a renewed certificate

(Exhibit P6) with unlimited validity. However, upon checking the e-registration portal, the petitioner discovered that his registration status was marked as "non-active" and expired on 15.3.2022 (Exhibits P7 & P8), contrary to the interim order. The petitioner asserts that this incorrect status affects his professional prospects and seeks direction from the Court to restore his active status both online and offline.

5. The petitioner also argued that the Union Government proposed an Amendment in 2020 to the Rehabilitation Council of India Act, 2000, in which the petitioner highlighted the amendment to Section 19 of the Act, which read as follows"*... For the purpose of renewal of registration applicant shall be required to complete prescribed number of continuing rehabilitation education programmes or equivalent thereof as per the prevailing guidelines of the Council."* With this, it is argued that the above-stated proposal for amending the Act itself indicates the absence of a provision in the Act regarding the requirement of attaining a prescribed number of Continuing Rehabilitation Education Programmes for renewal of registration. Besides, there is no provision mandating renewal of registration once obtained either in the Act or rules made thereunder. The reliefs sought in the writ petition are as follows:

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> 1. *To issue a writ of Ceritorari or any appropriate writ or directions, setting aside the condition No. 14 IN Exhibit P4 requiring the petitioner to acquire*

100 CRE points and produce certificates to that effect as a precondition for renewal of his registration as a rehabilitation professional with the Rehabilitation Council of India.

2. *To issue a writ of Mandamus or any appropriate writ or order or direction, directing the 2nd and 3rd Respondents to issue renewed registration as rehabilitation professional to the petitioner in strict compliance with Section 19 of the Rehabilitation Council of India Act, 1992 as it stands now, within a time frame fixed by this Court.*
3. *Such other Writ, Orders or Directions deem fit on facts and in the interest of justice."*

6. The respondents submit that the Rehabilitation Council of India is a statutory body constituted under the Rehabilitation Council of India Act, 1992, which was subsequently amended by the Rehabilitation Council of India (Amendment) Act, 2000 (Act No. 38 of 2000). The primary objective of the RCI is to regulate and monitor the training of rehabilitation professionals and personnel, promote research in rehabilitation and special education, maintain a Central Rehabilitation Register (CRR), and oversee all matters related to rehabilitation education and practice.

7. Section 2(n) of the RCI Act defines the list of professionals whose training, qualifications, and certifications are subject to regulation by the Council. It provides for the development and standardization of professional courses, ensuring a minimum standard of education and the proper maintenance of the Central Rehabilitation Register. The Council lays down policy parameters

regarding various aspects of training and education in the field of rehabilitation, and all institutions have to seek recognition under Section 11 of the Act. No university, institute, or organization can commence a rehabilitation professional course without prior approval from the RCI. The recognition process involves an evaluation of infrastructure, faculty, and other resources by the RCI's visiting experts.

8. The respondents submit that it is incorrect to claim that the Council lacks authority to impose conditions for renewal. The Council's decision to renew the certificates of the professionals on the basis of their participation in the Continuing Rehabilitation Education Programme has statutory backing and such renewal norms are framed under the authority vested in RCI as a regulatory body. Section 19 of the RCI Act states that a person seeking to be registered under the Central Rehabilitation Register must possess a recognized rehabilitation qualification, subject to the satisfaction of the Member-Secretary of the Council. The petitioner was registered with the Rehabilitation Council of India (RCI) under CRR No. A14067 dated 15.09.2009, with validity until 15.09.2016. As per the norms and guidelines introduced by the RCI with effect from 1st April 2015, a registered professional is required to renew registration every five years, and such renewal is subject to the completion of 100 Continuing Rehabilitation Education (CRE)

points. These norms were formulated by the RCI, through the Accreditation Commission, in its capacity as the statutory and regulatory body, to ensure that professionals remain actively engaged in the field of disability, in furtherance of this objective, the requirement of 100 CRE points was incorporated into the official norms and guidelines of the Council to promote ongoing professional development and regular updation of knowledge. The petitioner's request for renewal was denied on the ground that he had not fulfilled this essential requirement for renewal under the revised guidelines.

9. It is also stated that a regulatory body has all the discretion to impose the condition to achieve the objective of the statutory provisions. It was also argued that the second limb of Section 19 provides that the renewal can be granted if the Member Secretary is satisfied that such a person possesses the recognised rehabilitation qualification. It is thereby argued that the requirement of 100 CRE points for renewal is a mandatory requirement, without which the Council has no power to renew the registration. The said provision is for all 62 types of courses of the Council under 26 categories of professionals/personnel across the country. Section 13 of the RCI Act vests the Council with the authority to prescribe conditions necessary for ensuring quality and competence in the field. Respondents also contend that the amendment in the RCI Act has no provision for

change of CRE points for renewal of registration.

10. Respondents further argued that the doctrine of acquiescence applies in this case as the petitioner accepted the terms of Exhibit P1, which outlined the requirement of 100 CRE points. Having benefited from registration under these terms for seven years, as provided in the Exhibit P1 Registration Certificate, the petitioner cannot now challenge the same conditions at a belated stage. The petitioner, having failed to meet the mandatory CRE requirements, is not eligible for renewal of registration.

11. Heard the learned Counsel on either side.

12. On an analysis of the provisions of the Rehabilitation Council of India Act, 1992, it is pertinent to note that the Object of the Act, as originally stood, was to provide for the constitution of the Rehabilitation Council of India for regulating the training of rehabilitating professionals and the maintenance of a Central Rehabilitation Register and for matters connected therewith or incidental thereto. The Object of the Act was substituted in 2000 by amending the long title, through Act No. 38 of 2000, to include the monitoring of the training of rehabilitation professionals and personnel, promoting research in rehabilitation and special education.

13. Power is granted to the Council to prescribe the minimum standards of education required for granting recognised rehabilitation qualifications by Universities or institutions in India, as per Section 18. Section 19 authorises the Member-Secretary of the Council to enter the name of an applicant in the Register after being satisfied that such person possesses the recognised rehabilitation qualification. Section 21(1) also gives the Council the power to prescribe standards of professional conduct and etiquette and a code of ethics for rehabilitation professionals.

14. The Central Government is given the power to make rules to carry out the purposes of this Act through notification, as per Section 28. As per Section 29, the Council, with the previous sanction of the Central Government, make, by notification, regulations generally to carry out the purposes of the Act and without prejudice to the generality of the said power, such regulations may provide for the qualifications, appointment, powers and duties and procedure to be followed by Inspectors and Visitors and also, the courses and period of study or of training to be undertaken, the subjects of examination and standards of proficiency therein to be obtained in any University or any institution for the grant of recognised rehabilitation qualification. It also includes the particulars to be stated, and proof of qualifications to be given in the application for registration under the Act.

15. The dispute in this case is the inclusion of the conditions in Exhibit P1, which stipulated that registration would be re-evaluated every seven years. Exhibit P1 also specifies that the individual should regularly attend the Continuing Rehabilitation Educational Programme/workshops/seminars/ symposiums, etc., approved by the RCI and that participation certificates will be essential for the re-evaluation of registration. The individuals were also directed to send to the Council an attested copy of the certificate of any training programme attended during the last seven years. The petitioner also challenges Condition No.14 in Exhibit P5, which requires the petitioner to acquire 100 CRE Points and produce certificates to that effect as a precondition for renewal of registration as a rehabilitation professional.

16. The relief sought by the petitioner cannot be granted for more reasons than one. It is to be noticed that the petitioner took advantage of the registration certificate issued by the RCI through Exhibit P1 on 15.9.2009 which specifically had a clause that the registration would be re-evaluated after every seven years and also, that they have to attend the Continuing Rehabilitation Educational Programme/workshops/seminars/symposiums etc., approved by the RCI and that, the participation certificate will be essential for re-evaluation of registration. The petitioner did not challenge any of the conditions soon after the issuance of Exhibit P1, as the writ petition was filed only on 19.1.2017, after taking advantage

of the registration granted under Exhibit P1. The petitioner, having accepted the benefit under Exhibit P1, should not be allowed to challenge a condition imposed on the same, which required a re-evaluation every seven years. The petitioner must be taken, in the aforesaid circumstances, as having acquiesced to the conditions imposed, and the challenge must be repelled on that ground alone.

17. That apart, the Rehabilitation Council of India is a statutory body deriving its authority from the Rehabilitation Council of India Act, 1992. As per Section 3, the Central Government may constitute a Council and functions are vested in them as provided in Section 11. On a perusal of these sections in the Act, it is clear that the Rehabilitation Council of India is the sole body responsible for the monitoring and maintenance of standards of rehabilitation and training in India, which functions as a sole regulatory body. In Sections 11 and 12, it is seen that the Council is responsible for the recognition of qualifications for rehabilitation professionals in India and outside India. Section 14 provides that every university shall furnish such information regarding the courses of study and examination conducted in order to obtain such qualification, and Section 15 provides the power of the Council to appoint inspectors at examinations for the purpose of recommending to Central Governemnt of qualifications granted by that University or institution as recognised rehabilitation qualifications.

18. Section 17 vests the power to withdraw the recognition when it appears to the Council that the courses of study, examination, or staff, equipment, etc., do not conform to the standard prescribed by the Council, shall make a representation to the effect to the Central Government. Further, Section 18 provides that the Council may prescribe the minimum standards of education. The Council is also vested with the power to prescribe the standards of professional conduct and etiquette, and the power to remove names from the Register for violation of professional misconduct and misrepresentation etc., as provided in Sections 20 and 21.

19. Section 29 of the Act provides the power of the Council to make regulations with the previous sanction of the Central Government, to carry out the purposes of this Act which includes courses of study, period of study, training, subjects, examination, and standards of proficiency, standards of professional conduct, etc. It is thus evident that the Rehabilitation Council of India is the sole authority responsible for the development, regulation, and monitoring of training programs in the fields of disability, rehabilitation, and special education. Exercising its statutory powers, the RCI formulates norms and guidelines to uphold the quality of education and professional practice in these sectors. Furthermore, as outlined in these guidelines, the RCI has the additional mandate

of ensuring that professionals continually update and enhance their knowledge and skills. In line with this objective, the RCI, as a statutory and regulatory body, possesses the authority to impose the mandatory requirement of acquiring 100 CRE points for the renewal of registration, thereby safeguarding and maintaining professional standards in the field.

20. In exercise of the powers conferred by Section 29 of the Rehabilitation Council of India Act, 1992, with the previous sanction of the Central Government, regulations are formed and called as Rehabilitation Council of India Regulations, 1997. Regulation 5 provides the powers of the Council and Regulation 7 Clause (3), provides that, the Council may, regulate the training policies and programmes in the field of rehabilitation of disabled people, bring about standardisation of training courses for professionals dealing with disabled persons, prescribe minimum standards of education and training for various categories of professionals dealing with disabled persons, regulate these standards in Governmental institutions, Central as well as the State, recognise institutions training/professionals/in the field and to recognise the degrees/diplomas/ certificates awarded by these institutions and to withdraw such recognitions etc. Regulation 13 also provides the power to form various Committees, and the functions shall be such as may be assigned by the Chairperson with the approval

of the Council.

21. A reading of the Act and the provisions mentioned above clearly shows that the RCI has enough powers, including the power to issue guidelines for the purpose of the Act, and the body is vested with such power to regulate rehabilitation professionals. Their power to re-evaluate after seven years, more particularly when it was one of the conditions in Exhibit P1 itself, cannot be doubted. Exhibit P5 guidelines are issued in the exercise of the statutory powers. The solitary contention raised by the petitioner is that, under Section 19, there is no power to include a clause like the offending clause under Exts.P1 and P5. As discussed above, a reading of the Act and the Object leaves no doubt that the Council has ample power to prescribe the qualifications and the conditions for the Continuing Rehabilitation Educational Programme. The contention of the petitioner that there was a proposal to amendment which did not fructify, also cannot be accepted as no rights come into existence on the basis of a proposed amendment. At best, the proposal was to clarify and bring in something which was obvious.

22. The RCI, being a statutory body, charged with taking the necessary powers to make decisions regarding the registration and the conduct of the Continuing Rehabilitation Educational Programme, which are taken in the exercise of the regulatory powers, these regulations under the Act are for

ensuring the minimum standards and which have an avowed object. Under such circumstances, the argument of lack of power under the Act has to be rejected.

23. It is not in dispute that the petitioner did not obtain the 100 CRE Points as required and therefore, his application for renewal of registration has been rightly rejected by the Council as, according to the current policy regarding training and education, the Council has the requisite power to prescribe the conditions. The Council, being a statutory and regulatory body in the field of disability, to provide qualified professionals, had insisted on conditions, including participation in the Continuing Rehabilitation Educational Programme. In the absence of the petitioner meeting the criteria in the regulations, the rejection of the application of the petitioner for renewal of registration has to be taken as a valid exercise of power. The very purpose of insisting on 100 CRE Points is to ensure that the professionals work continuously to keep their knowledge updated, which is a laudable objective.

There is no merit in the writ petition, and accordingly, the same is dismissed.

Sd/-

MOHAMMED NIAS C. P.,

JUDGE

MMG

APPENDIX OF WP(C).NO.2078/2017

PETITIONER'S EXHIBITS:

EXHIBIT P1:	**THE TRUE COPY OF THE PETITIONER'S REGISTRATION CERTIFICATE VIDE. CRR NO.1 14067 DATED 15.09.2009**
EXHIBIT P2:	**THE TRUE COPY OF THE LETTER OF INTENT JOB OFFER GIVEN TO PETITIONER BY JORDANIAN SPEECH CLINIC DATED 20.08.2016**
EXHIBIT P3:	**THE TRUE COPY OF THE EMAIL COMMUNICATION SEND BY THE JORDANIAN SPEECH CLINIC DATED 20.08.2016**
EXHIBIT P4:	**THE PROVISIONAL REGISTRATION CERTIFICATE ISSUED BY THE 2ND RESPONDENT COUNCIL ON APPLICATION FOR RENEWAL OF REGISTRATION**
EXHIBIT P5:	**THE LETTER NO.7-8/2005-RCI DATED 13.12.2016 ISSUE DBY THE 2ND RESPONDENT REHABILITATION COUNCIL OF INDIA ACT.**
EXHIBIT P6	**THE TRUE COPY OF THE CERTIFICATE OF RENEWAL OF REGISTRATION OF PETITIONER WITH CRR NO.A14067 DATED 17.03.2017**
EXHIBIT P7	**THE TRUE COPY OF THE REGISTRATION STATUS OF THE PETITIONER AS PER THE WEBSITE OF 2ND RESPONDENT AS ON 05.07.2023**
EXHIBIT P8	**THE TRUE COPY OF THE E-REGISTRATION CERTIFICATE OF THE PETITIONER AS REHABILITATION PROFESSIONAL DOWNLOADED FROM THE E-REGISTRATION PORTAL OF THE 2ND RESPONDENT ON 05.07.2023**