

Grand file  
(85)

In the Court of State Commissioner for Persons with Disabilities  
National Capital Territory of Delhi  
25-D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2  
Phone 011-23216002-04, Telefax:011-23216005, Email: [comdis.delhi@nic.in](mailto:comdis.delhi@nic.in)  
(Vested with powers of Civil Court under the  
Rights of Persons with Disabilities Act, 2016)

Case No. 4/1365/2016-Wel/CD 2497 - 2501  
Case No. 4/1264/2016-Wel/CD

Dated: 30/10/2017

In the matter of :

Ms. Bhawna Arora,  
A/1, 260 A,  
Keshav Puram,  
Delhi-110035.

.....Complainant

Vs

The Principal,  
St. Thomas's School,  
Mandir Marg, New Delhi-110001.

.....Respondent

Case No. 4/1713/2017-Wel/CD

In the Matter of:  
Sh. Jitender Kumar & Smt. Seema Kumar  
R/o 5-A, DDA LIG Flats,  
Motia Khan, Paharganj,  
New Delhi-110002

Vs

The Director,  
Directorate of Education,  
Old Secretariat,  
New Delhi-110054.

.....Respondent No. 1

The Principal,  
St. Thomas' School.  
Mandir Marg, New Delhi-110001.

Respondent No. 2  
Court of Commissioner (Disabilities)  
National Capital Territory of Delhi  
Room No. - 1  
25-D, Mata Sundari Road, New Delhi-02

**Dates of Hearing:**

01.09.2017, 26.09.2017 and 11.10.2017

**Present:**

Ms. Bhawna Arora Complainant  
Mrs. A. Amos, Principal of St. Thomas School, Mrs. S. Devdas, Special Educator, Mrs. M. Kapoor, Counsellor and Mr. Vinod Kumar on behalf of Respondent.

**ORDER**

Ms. Bhawna Arora vide her email dated 09.05.2016 received through Sh. Pradeep Raj, General Secretary of Association for Disabled People submitted that her daughter baby Sanvi Arora was studying in 3<sup>rd</sup> Class in St. Thomas School, Mandir Marg, New Delhi. She has CP and Ataxia, her IQ is 78. She was detained in 3<sup>rd</sup> Class without intimation to the parents. She also complained about some other things like provision of writer, extra time, etc. She submitted another complaint dated 10.05.2016 which also was registered as case No. 4/1264/2016-Wel/CD.

2. The complaint was taken up with Directorate of Education vide communication dated 18.08.2016 followed by reminders. Dy. Director of Education, Zone-26, District New Delhi vide letter dated 03.06.2016 inter alia informed that as per the clarification sought from the school, Sanvi Arora sits with Special Educator in class 1. The Academic work done by her is especially designed to keep pace with her cognitive abilities. It was further stated that St. Thomas' School is committed to provide quality education to girl child since 1930 and it was the first school to have the Special Educator and start a class for children with special needs. The school has employed three Special Educators and Sanvi had been detained. Vide letter dated 21.03.2017, Dy, Director, Education added that Ms. Bhawna Arora had requested the school authorities for fee concession and the management was pleased to grant 10% concession in the annual charges which she had not availed. The Principal of the school vide her letter dated 22.03.2017 also submitted among other things that St. Thomas' Girls Senior Secondary School, Mandir Marg, is an unaided Christian Minority School and therefore, the provisions of RTE Act, 2009 are not applicable to it.

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3. Upon considering the written submissions of the parties, a personal hearing was held on 01.09.2017. Smt. Seema Kumar Mother of Ms. Haripriya Kumar, a child with 50% Cerebral Palsy who had submitted a complaint dated 10.08.2017, registered as Case No. 4/1713/2017-Wel/CD also appeared. Her case is also tagged.
4. The complainant in case No. 4/1365/2016-Wel/CD and 4/1264/2016-Wel/CD submitted that her daughter has now been shifted to the Senior Wing and most of the issues mentioned in the email dated 09.05.2016 have been resolved. For example, school had made provision for a helper, scribe is being provided, curriculum of the same level has been modified, child is also participating in extra-curricular activities. However, the decision on 40% fee concession which was being provided during the academic session 2016-17, has not been taken. Consequently, she has not deposited the fee. Smt. Seema Kumar also submitted the same. Therefore, both the complainants requested that the school may be advised to extend fee concession to their children till 12<sup>th</sup> standard.
5. The representative of the Respondent No. 1 submitted a letter dated 01.09.2017 alongwith the letter of St. Thomas's Girls' Sr. Sec.School, Mandir Marg dated 01.09.2017. The said letter says that the management gave 40% concession in fee of Ms. Bhawana Arora's daughter. The School is an unaided Christian Minority School. The decision about the fee concession has to be taken by the Management of the School. Therefore the school should be impleaded.
6. It was observed that the issues raised by the complainant in her complaints registered as Case No. 4/1365/2016-Wel/CD & Case No. 4/1264/2016-Wel/CD had already been resolved. The issue regarding the fee concession raised by her during the course of earlier hearing, which is also the subject matter of Case No. 4/1713/2017-Wel/CD, remains unresolved. In view of this and submissions made on behalf of respondent No. 1, Principal, St. Thomas' Girls Sr. Sec. School was impleaded as respondent No. 2 and was advised to consider the matter on priority and submit the status on the next date of hearing on 26.09.2017.

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7. On the request of Ms. Seema Kumar vide her letter dated 18.09.2017, case No. 4/1713/2017-Wel/CD was closed as withdrawn.

8. Ms. Bhawna Arora, the complainant in case No. 4/1365/2016-Wel/CD and 4/1264/2016-Wel/CD submitted that her daughter has been extended 40% fee concession by the school. However, in view of the request of the Principal of the school, another hearing was held on 11.10.2017.

9. Mrs. A. Amos, Principal of St. Thomas' School alongwith Mrs. S. Devdas, Special Educator, Mrs. M. Kapoor, Counsellor and Mr. Vinod Kumar appeared to inform that a separate section for children with special needs known as Prerna has been functioning in the school since 1970. Some of the children attend only the Prerna classes; but the school attempts to enable all for inclusion. The school is affiliated to the CBSE and recognised by the Department of Education. It is an unaided Christian Minority school. The Special Educators are registered with the RCI. She further submitted that although the school is not obliged to provide the fee concession to students under the provisions of the law, the management takes a view on the request of parents. In the case of Sanvi, the management has decided to extend 40% fee concession on the request of the parents for the academic year 2017-18. However, it is not possible to commit for such fee concession beyond this financial year. The request for subsequent years will be considered by the management on annual basis. She made it clear that the school and the teachers do not ever involve or even let children know about any such request by the parents. She also submitted that there is no discrimination against the children or their parents on any ground. They make all efforts to involve the parents of children with special needs in various co-curricular activities in the school. The school continues to provide opportunities to all children with disabilities besides making the best possible arrangements for them. For example, the school has invested substantial amount in setting up multimedia assistive lab for use of children with special needs. A specially Trained Instructor has also been appointed.

10. The complainant reiterated her satisfaction with regard to the arrangements for her daughter in the school.

11. In light of the submissions of the parties as mentioned above, it is expected that the school will continue providing the best possible facilities for quality education

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to the daughter of the complainant and other children with disabilities and of the standard that can be replicated else where in the country.

12. The complaints are disposed off accordingly.

13. Given under my hand and the seal of the Court this 30<sup>th</sup> day of October, 2017.



**State Commissioner for Persons with Disabilities**

*(Signature)*  
State Commissioner (Disabilities)  
(T.D. Dhariyal) 30/10/17  
National Capital Territory of Delhi  
Room No. 10  
25-D, Mata Sunderi Road, New Delhi-02