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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
[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]

Case No. 4/1242/2016-Wel/CDI/565-567

Dated: 24/5/17

In the matter of:

Smt. Rita Vohra,
146-B, DDA Flats, Gulabi Bagh,
Delhi-110007.

..... Complainant

Versus

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

..... Respondent No.1

The Principal,
R.B. Ram Roop Vidya Mandir Co-ed.
Sr. Secondary School,
Near Railway Under Bridge,
Shakti Nagar, Delhi-110007.

..... Respondent No.2

Date of hearing: 19.05.2017

Present

Sh. Atul Vohra for the Complainant.

Sh. Pramod Katiyar, DDE & Sh. Pramod Kumar, DD on behalf
of Respondent No. 1 & Dr. Rita Devi, Officiating Principal on
behalf of Respondent No.2.

ORDER

During the hearing on 19.07.2017, Sh. Atul Vohra reiterated the written her submissions and submitted the following list of facilities / accommodations that were denied to their Late son Master Anant Vohra:

- (i) Proper sitting arrangement;
- (ii) Proper wash room facility;
- (iii) Medical facility;
- (iv) Writer facility;
- (v) Relaxation in class work / home work and project work;
- (vi) Facilities in accordance with the Ministry of Social Justice and Empowerment's OM dated 26.02.2013;
- (vii) Clean environment in the class room.

2. The complainant also stated that because of untidy environment in the school, a snake had entered the class room which frightened Master Anant. She also pointed out that despite being winner of the excellence in education award, 2016 his son was not given admission in any stream in the school due to which they were forced to take the TC. Shri Atul Vohra also stated that the parents expected some recognition of their son's excellent academic performance despite his 82% disability atleast after his death by the school like display of write up about him and his vision to assist "Stephen Hawking".

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

Dr. Pramod Katiyar, the representative of respondent no.1 submitted that after the preliminary inquiry report dated 22.06.2016 of Dr. Dharmbir Singh, Principal of Dhanpat Mal Virmani Sr. Secondary School on the complaint lodged by Smt. Rita Vohra, an indepth inquiry committee was instituted through an inquiry committee comprising Mrs. Kiran Chopra, Principal SKV (Malka Ganj), Sh. Devender Kumar, Vice Principal (SBBM Shankracharya Marg) and Sh. Bhartendu Mishra, Spl. Edu. Teacher (SBBM Shankracharya Marg) which submitted its detailed inquiry report on 28.02.2017. Dr. Katiyar also stated that he personally interacted with almost all the teachers in the school and based on the detailed inquiry report of the committee as well as his interactions, he has submitted an Action Taken Report to the Competent Authority. A Show Cause Notice under the provisions of DSEAR, 1973 has been issued to the said school and the reply of the school is awaited. He also added that the Directorate will support the case of children with disabilities and the initiatives that may be taken by the School and the parents of Late Master Anant Vohra.

4. The representative of the respondent No.2 Ms. Rita Devi, the officiating Principal also submitted response dated 19.05.2017, the contents of which are as under:

1. I have taken over the charge of officiating Principal w.e.f. 28.02.2015 after the sad demise of Late Sh. Ram Chander Dhankhar, Ex-V. Principal.
 2. Master Anant Vohra was admitted in this school in class VII in the year 2012-13 and attended the school upto 21st march, 2016 i.e. the date of the last paper of SA-II exam of class-X.
 3. On the request of his mother Ms. Rita Vohra SLC was issued to him on 25.06.2016. The SLC was collected by Ms. Rita Vohra herself on the same day.
 4. Master Anant Vohra was a student of this school from 2012-16 and no complaint was ever registered by him or his parents before the starting of SA-III, Examination of Class-X, in March 2016.
 5. During SA-II examinations facility of writer, extra time and presence of mother in the school premises was provided to master Anant Vohra according to the CBSE rules and regulations vide their letter dated 27.02.2016, 07.03.2016 and 14.03.2016.
 6. On 27.04.2016 Ms. Rita Vohra again submitted a representation to the Commissioner for Persons with Disabilities And an enquiry was conducted by the Directorate of Education, Delhi in this regard.
 7. Again Ms. Rita Vohra filed a complaint in the Court of Chief Commissioner for Persons with Disabilities, Sarojini House, Bhagwan Dass Road, ND under case No. 6237/1041/2016/D290.
 8. On 28.01.2017 another departmental enquiry was conducted by Mrs. Kiran Chopra Principal, SKV Malka Ganj, Delhi.
- Question of Mental and Physical torture does not arise because keeping in mind the students condition and considering his convenience and comfort a classroom and an examination room near the ramp on the ground floor was allotted to him.

Further I would like to inform you that as per the suggestions of the Enquiry Committee the toilet for differently abled children and ramp has been now modified with railings and holdings.

Hence the allegations made by Ms. Rita Vohra are false, baseless and fabricated with motives best know to her. The school authorities did not err in any manner and extended maximum co-operation within permissible limits. Hence the undersigned may please be exonerated from frivolous allegations being levelled by the mother of the student.

Chief Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
25, 1st Floor, Connaught Place, New Delhi-02

5. Ms. Rita Devi also submitted that she on her part did her best to ensure a congenial environment for Late Master Anant Vohra and assisted his mother who used to accompany him to the school and also sit with him in the class.

6. From the papers submitted by the parties, it is observed that the complainant had filed a complaint on the issue before the Chief Commissioner for Persons with Disabilities also in April, 2016. The Chief Commissioner vide order dated 01.09.2016 observed that the issue in the matter was not involved relating to the violation of any provisions of the Act and Government instructions but it was about creating barrier free environment, awareness and sensitizing the people. After hearing the parties, he directed as under:-

- "(i) The Respondent No. 1, Directorate of Education, Government NCT, Delhi is directed to ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of 18 years, endeavour to promote the integration of students with disabilities in the normal schools and issue appropriate instructions to all the schools in this regard.
- (ii) The Principal, R.B. Ram Roop Vidya Mandir Senior Secondary School, respondent no.2 is directed to ensure that appropriate facilities/reasonable accommodation be provided to the complainant. She should also issue instructions to staff to be sensible while handling with student with disability.
- (iii) The parents of the child are also directed to co-operate with school authorities so that the school authorities can provide the support to children as per their limitations."

7. In view of the fact that the issues pertaining to denial of facilities as mentioned in Para 1 of this order to late Master Anant had been looked into by the Chief Commissioner for Persons with Disabilities and appropriate order was also passed. As emerged during the hearing, there is need to take the issues concerning children with disabilities more seriously and with greater sensitivity by all concerned especially by the school functionaries. As was discussed during the hearing, the way forward for the parties at this stage, when unfortunately late master Anant Vohra is no more, is to utilize their respective experiences of handling and educating a child with severe disability like Late Master Anant Vohra, in a more positive manner by working together to develop Sh. R.B. Ram Roop Vidya Mandir Co-ed Sr. Secondary School as one of the model disabled friendly school in all respects besides working towards making the environment more congenial and equalizing for the children with disabilities and creating awareness amongst stakeholders with a view to bringing about positive and attitudinal changes.

The matter is disposed of accordingly.

Given under my hand and the seal of the Court this 24th day of May, 2017.



(Signature)
(T.D. Dhariyal)

State Commissioner for Persons with Disabilities

Court of Commissioner (Disabilities)

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