

**In the Court of Commissioner for Persons with Disabilities**  
**25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2**  
**Phone-23216002-4 Telefax: 23216005**  
**Email : comdis.delhi@nic.in**

**[Vested with power of Civil Court under the Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995]**

Case No. 4/945/2015-Wel./CD/940-43

Dated: 21.7.15

In the matter of :

**Smt.Seema Sikka**

M/o Master Aashish Sikka  
B-5/2, Sector-4, Rohini  
Delhi

..... Petitioner

**Versus**

**Sh.K.S.Meena**

**Deputy Director**

Land & Estate Branch  
Directorate of Education  
Lukhnow Road  
Delhi-110054

**Sh.Udhav Singh**

**Deputy Director**

IEDDS Branch  
Directorate of Education  
Amrita Shergil School Building  
Behind Lady Shriram College  
Lajpat Nagar-4  
New Delhi-110024

**Ms.Rashmi Gahlaut**

**Deputy Director**

District North West (B)  
FU Block Pitampura  
Delhi-110034

..... Respondents

**ORDER**

1. The parents of Master Aashish Sikka a disabled child sent an e-mail stating that their son is not getting admission in the schools around their residence on the ground that the schools are not well equipped to take care of a disabled child. It was stated by the petitioners that their child had been attending a Special School for the last few years and had shown good improvement and that he may be integrated in a mainstream school as that would provide him the social environment which is so much necessary for the development of his personality.
2. The Director of Education was requested to send her comments in the matter on priority for taking a view whether there was a need to proceed in the matter under the provisions of the Persons with Disabilities Act and since no comments were received a hearing was

fixed during which it was informed that **Quote** “the present case relates to the admission of Master Aashish Sikka S/o Smt. Seema Sikka in class III in Unaided Private Recognized Schools under District North West (B) under disability Quota (Cerebral Palsy). In this regard as per the record the following unaided private recognized schools under District North West (B) have been shown to have the facilities available for the students with disability category suffering from cerebral palsy in the respective schools for entry level classes only – 1. Vikas Bharti School, Sector 24 Rohini 2 VSPK International School, Sector-13 Rohini 2. Delhi Public School Sector 24 Rohini 4. Bal Bharti Public School Sector 14 Rohini 5. CRPF Public School Sector 14 Rohini 6. St.Angel’s School Sector 15 Rohini 7. Indraprastha Modern School Rajeev Nagar 8. Sangwan Model Secondary School Pooth Kalan. In response to the representation made by Smt.Seema Sikka the application for admission for her son was forwarded to the following schools for consideration :- 1. North Ex Public School Rohini 2. St.Angels Public School 3. Titiksha Public School Rohini 4. Delhi International School Rohini. the response from the following schools have been received which are as under : 1.Vikas Bharti Public School – The school has no vacancy available in class III under Disability quota 2. St.Angel Public School- The classes for all sections are held in 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor which is not suitable for the child with Disability quota. 3 North Ex Public School – The school does not possess required facilities for the children belonging to CWSN category Cerebral Palsy. 4. Titiksha Public School – The school does not possess required facilities for the children who are patients of cerebral palsy. 5. Delhi International School Rohini- No response was received from the school. Moreover the directions/orders vide dated 10.2.15 issued by the Competent Authority is the methodology for admission at entry level only for CWSN children in unaided private recognized schools. However no such directions have been issued for the admission of children with Disability quota for the classes other than entry level in private unaided recognized schools. On the other hand the parents of Master Aashish Sikka have requested for admission of their ward in class III whereas the medical report dated 18.2.13 issued by Medical Supdt. Sanjay Gandhi Memorial revealed his age as 11 years (as on date). The case file for seeking the clarification on the above point has already been submitted to the Competent Authority as to whether admission to CWSN students is to be given as per their mental age or chronological age and who shall be appropriate authority to assess the mental retardness of the child. However it is pertinent to mention here that in case the complainant Smt.Seema Sikka intends to admit her child in any of the government schools which have

the facility of Special Educator under District North West (B) she may approach the undersigned for the same.” **Unquote.**

3. I have gone through the representation of the parents of Master Aashish Sikka and the replies filed by the schools/department. It will be relevant to understand the requirement of a child suffering from a disability like Master Aashish Sikka. The Central Board of Secondary Education had issued guidelines for inclusive education which make it clear that no child with special needs should be denied admission in mainstream education. There is a need to provide an aid to the child while attending the school which would make inclusive education meaningful. Any school which fails to provide attention to a child with special needs or makes a pretext of denying admission to any category of a differently abled child will be liable to stringent action even to the extent of disaffiliation.
- The centrally sponsored Inclusive Education for Disabled at Secondary Stage (IEDSS) Scheme aims to enable all students with disabilities completing eight years of elementary schooling an opportunity to complete four years of secondary schooling in an inclusive and enabling environment. Provide educational opportunities and facilities to students with disabilities in the general education system at the secondary level and support the training of general school teachers to meet the needs of children with disabilities at the secondary level. The objective of Inclusive Education for Disabled at Secondary Stage Scheme will be to ensure that every child with disability
  - is identified at the secondary level and his educational needs assessed ; every student in need of aids and appliances, assistive devices will be provided the same, all architectural barriers in schools are removed so that students with disability have
  - access to classrooms, laboratories, libraries and toilets in the school
  - each student with disability will be supplied learning material as per his/her requirement
  - all general school teachers at the secondary level will be provided basic training to teach students with disabilities within a period of three to five years
  - students with disabilities will have access to support services like the appointment of special educators, establishment of resource rooms in every block.
4. The intention of the Government therefore is to facilitate inclusive education for mainstreaming the children with special needs which would require infrastructure and



also human resource of the required type and it is therefore imperative that all concerned should make special efforts to put in place the requisite infrastructure and the human resource in the form of Special Educators etc who would provide care to the children with special needs. It is a matter of concern that these instructions were issued way back in 2008 by the Central Board of Secondary Education (CBSE) and it was expected that needful would have been done in course of time but certainly not at a speed which would force the concerned school authorities to deny admission to special children on the ground that they are not equipped with the requisite infrastructure and the specialised staff. The officers of the Directorate of Education only intimated the position as was done by the Education Officer of Zone-XI. The reply from the Education Officer states **Quote** "Reference your application dated 17.3.15 for admission of your son Aashish Sikka (CWSN-Cerebral Palsy) in Bal Bharti Public School it is hereby intimated that the school authorities in response vide letter dated 7.4.15 have expressed inability to grant admission stating that the school infrastructure is not suitable and specialized staff is not available to facilitate the educational needs of children who have Cerebral Palsy Problem. A copy of school's reply which is self explanatory is enclosed" **Unquote.**

5. It is however a matter of satisfaction that Master Aashish Sikka has been allowed admission in C.R.P.F Public School though even there the requisite infrastructure is not in place and it would therefore be necessary particularly for the officers of IEDSS Scheme working in the Directorate of Education to ensure that the requisite infrastructure is provided without any loss of time.
6. The matter is disposed of accordingly.

Given under my hand and the seal of the Court this day of 21<sup>st</sup> July, 2015.



*K.S. Mehra*  
21/7/15

(K.S. Mehra)

Commissioner

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