

**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.
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. 824/1014/2019/04/9072-84

Dated: 31.12.2019

In the matter of:

Ms. Reshma Parveen

H. No. D-135/2A Gali No.9
Near Afgani Chowk, Wazirabad Village,
Delhi-110084

.....**Complainant**

Versus

The Director

Directorate of Education
GNCT of Delhi, Old Secretariat
Delhi-110054

(Dr. Mukesh Chand)
(DDE, (IEB))

.....**Respondent No.1**

The Commissioner

North Delhi Municipal Corporation
4th Floor, Dr. S.P.M. Civic Centre
JLN Marg, New Delhi -110002

(Sh. Ashok Sharma)
(DDE, North DMC)

.....**Respondent No.2**

The Commissioner

South Delhi Municipal Corporation
9th Floor, Dr. S.P.M. Civic Centre
JLN Marg, New Delhi -110002

(Sh. M. Mandal)
(Asstt. Director of Education)

.....**Respondent No.3**

The Commissioner

East Delhi Municipal Corporation
419, Udyog Sadan, Patparganj

Industrial Area, Delhi -110096

(Ms. Mini Sharma)
(Addl. Director/ Education)

.....Respondent No.4

The Chief Executive Officer

Office of Cantonment Board
Sadar Bazar, Delhi Cantt.-110010

.....Respondent No.5

The Chairman

New Delhi Municipal Council
Palika Kendra, Parliament Street
New Delhi-110001.

(Sh. Hiramani Bara)
(Dy. Director (Edu.))

.....Respondent no.6

The Member Secretary

Rehabilitation Council of India,
B-22, Qutab Institutional Area,
New Delhi-110016.

(Ms. Anuja Saxena)
(Legal Consultant)

.....Respondent no.7

Chairman, NCTE

NCTE, G-7, Sector-10,
Dwarka, Landmark–Near Metro Station,
Delhi – 110075

(Impleaded on 19.08.2019)

.....Respondent no.8

Last date of hearing: 18.11.2019

Present:

Md. Hamid, H/o the complainant.

Dr. Mukesh Chand, DDE(IEB) on behalf of
Respondent No. 1

Sh. M. Mandal, Asstt. Director on behalf of
Respondent No. 3

Ms. Dolly Kaur, DDE on behalf of respondent No. 4,

Sh. D. K. Tanwar and Sh. Chater San on behalf of
Respondent No. 6.

ORDER

The above named complainant, a person with 58% locomotor disability vide her complaint dated 27.03.2019 inter-alia submitted that she has passed Diploma in Special Education and is registered in the

Central Rehabilitation Register (CRR) of Rehabilitation Council of India (RCI). She has also passed CTET. Hon'ble High Court of Delhi in its judgement dated 16.09.2009 in W.P (C) No. 6771/2008 directed that recruitment of two Special Educators in each school of Delhi shall be mandatory. Despite lapse of 10 years of the said judgement, not a single Special Educator (Primary) has been recruited in the 4008 schools in Delhi. The Special Educators (Primary) that are required in the schools in NCT of Delhi are as under:

- i) DoE schools – 1019,
- ii) DoE Aided Schools – 208,
- iii) School recognised by DoE – 1719,
- iv) Schools aided by MCD – 43,
- v) Schools recognized by MCD – 960,
- vi) Schools run by NDMC – 46,
- vii) Schools aided by NDMC – 3,
- viii) Schools recognized by NDMC – 4,
- ix) Delhi Cantonment Board Schools – 6.

2. As per the information obtained by the complainant from DoE under RTI, there is no post of Special Educator (Primary). Every year a large number of students pass out with Diploma in Special Education from RCI recognized institutions and have also passed the CTET. The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act), as amended in 2012 and the Rights of Persons with Disabilities Act, 2016 (RPwD Act) mandate that inclusive education should be ensured for Children with Special Needs (CWSN) and every class room has to be ready to include a CWSN. The Directorate of Education created TGT (Urdu) and TGT (Punjabi) and primary (diploma in physical education) but no post of Special Educator (Primary) has been created. Physical Education Teachers are appointed at Primary, Secondary and Senior

Secondary level. But Special Education Teachers are appointed at Secondary and Sr. Secondary level only and not at primary level. The complainant prayed to:

- i) Direct the DoE, all three MCDs, NDMC and DCB to start the process of permanent recruitment of at least two Special Educators (Primary) in all 5700 (including 4008 schools that do not have even a single primary SET) schools and immediately arrange Contract/Guest Special Educators (Primary) to fill the stop gap arrangement in order to avoid zero session during 2018-19.
- ii) Direct the DoE to immediately start the recruitment process of minimum 2 Special Educators (Primary) in each school of DoE comprising a total of 2038 posts Special Educators (Primary) which should be proportionate as per the orders of Hon'ble High Court of Delhi for all schools of DoE.
- iii) Direct the DoE, all three MCDs, NDMC and DCB to send the requisition of advertisement to DSSSB for permanent recruitment of Special Educator (Primary), wherever applicable.
- iv) Direct the DoE, all three MCDs, NDMC and DCB to ensure proper educational opportunities for the disabled students and employment opportunities for the trained Special Educators.
- v) Any other action which may be suitable for the welfare of persons with disabilities.

3. The complainant also enclosed a copy of order dated 16.09.2009 of Hon'ble High Court, letter no. 7-91/RCI-2011 dated 11.01.2012 of Member Secretary, RCI regarding requirement of RCI approved qualification for appointment of Special Education Teachers enclosing therewith the guidelines for minimum requirement of RCI approved

qualification for appointment as Special Education Teacher at pre-school/nursery/play school, elementary (primary/upper primary), secondary and senior secondary level, among other documents.

4. The complaint was taken up with the respondents vide notice dated 11.04.2019 seeking point wise comments within 15 days.

5. **Deputy Director of Education, North DMC** vide reply dated 17.05.2019 submitted that after trifurcation of MCD, the Education Department of South DMC has been entrusted with the work of recruitment of teachers for all the three Corporations. South DMC forwards the requisition to DSSSB for filling up the vacant posts of teacher (Primary) for all the three Corporations. South DMC has forwarded vacancies of Special Education Teacher (Primary) to DSSSB in compliance of the directions passed by the Hon'ble High Court of Delhi in the matter of Social Jurist Vs. Dharmender Kumar & Ors., contempt petition No. 1133/2016. DSSSB notified the vacancies of Special Educator (Primary) on 07.08.2017 and DSSSB has conducted the recruitment exam. The final result has already been declared. Whenever the dossiers of the selected candidates will be received by North DMC, they would be appointed after completing verification of documents and other formalities.

6. **Delhi Cantonment Board (DCB)** vide reply dated 17.05.2019 informed that DCB is running six schools up to Sr. Secondary level, one English medium up to Secondary level and one school named, Kripa for children with disabilities which is running since 2011. The Kripa school has 23 Special Educators on contractual basis to provide education to 138 students. There is no permanent post of Special Education Teacher in the DCB. The details of facilities being provided in Kripa schools were also given.

7. As there was no response from the **South DMC, East DMC and NDMC**, a hearing was scheduled on 10.07.2019.

8. In the meantime, **New Delhi Municipal Council (NDMC)** submitted the reply vide letter dated 03.06.2019. In that reply it has been stated that NDMC has not created any special cadre for recruitment or training of Special Education Teachers. However, they have trained 38 Special Education Teachers. Out of 38 Special Education Teachers, 19 Special Educators are teaching under the schools run/supported/managed by NDMC. There are 43 students with disability in the said schools. Out of 38 Special Education Teachers, 3 Special Educators are for primary level schools. As regards the orders of Hon'ble High Court, the same does not pertain to NDMC. However, NDMC has trained and recruited sufficient number of teachers for children with disabilities.

9. **EDMC vide reply** dated 18.06.2019 submitted that EDMC has 354 schools. It has made a provision of having at least one Special Educator per school. The Corporation is endeavouring to recruit more Special Educators to all EDMC's schools and all aided schools. 32 Special Educators recruited by DSSSB have been posted in EDMC Schools from June 2016. By 24.05.2019, EDMC got 92 Special Educators. The final recruitment process was in progress and expected to be completed in June 2019.

10. In his reply dated 24.06.2019, **Deputy Director Education (IEB), DoE** submitted that Department has created 2048 posts of Special Education Teachers (SETs). Out of 2048 posts, 1747 posts are of TGT grade and 301 posts are of PGT grade. At present, there are 1029 SETs. Out of them, 411 are regular and 618 are guest teachers to facilitate inclusive education to children with disabilities. DoE has received 280 dossiers from DSSSB against a requisition for 1329 vacant posts of SETs. The Recruitment Rules (RRs) for the post of PGT (SETs)

is under process. The proposal for creation of Special Educator at primary level is also under process and at the time of filing the reply there was no sanctioned post of Special Educator (Primary) in DoE. DoE is providing inclusive education to children with disabilities in the schools of GNCT of Delhi through services of 1029 SETs (411 regular and 618 guest) and specialized teaching learning materials.

11. On the date of hearing on 12.07.2019, the complainant emphasized that the respondents should create the posts of Primary Teachers in Special Education with D.Ed (Special Education) and appoint qualified persons to the posts.

12. DoE had also mentioned about the proposal for creation of the posts of Special Educators at Primary level. But the rest of the respondents did not mention anything about the proposal for creation of the posts or the provisions in the Recruitment Rules or the guidelines of RCI.

13. As per letter dated 11.01.2012 of Member Secretary, Rehabilitation Council of India (RCI), a Statutory Body under the Ministry of Social Justice and Empowerment, the minimum requirement of RCI approved qualification for appointment of Special Education Teachers has been prescribed for teachers at various levels including at Elementary (Primary / Upper Primary) level, which is reproduced here under:



भारतीय पुनर्वास परिषद्

भारतीय पुनर्वास परिषद्
(सामाजिक न्याय और अधिकारिता मंत्रालय, भारत सरकार के अधीन एक सांविधिक निकाय)
REHABILITATION COUNCIL OF INDIA
(A Statutory Body under the Ministry of Social Justice and Empowerment)

सं/No.....7-91/R.C.I.-2011/

SPEED POST दिनांक/Date.....11/01/2012.....

Address as list

Sub: Minimum requirement of RCI approved qualification for appointment of
Special Education Teachers: reg.

Madam/Sir,

This is to inform you that the Council has developed the guidelines for minimum requirement of RCI approved qualification for appointment of Special Education Teachers (copy enclosed). These guidelines supercede previous circulars / orders issued by the Council and shall come into force with immediate effect.

Thanking you,

Yours faithfully,

(Dr. J. P. Singh)
Member Secretary

Encl: as above

बी - 22, कुतुब इंस्टीट्यूशनल एरिया, नई दिल्ली - 110 016
B - 22, Qutub Institutional Area, New Delhi - 110 016
Ph.: 011-2653 2408, 2653 2384, 2653 4287 Fax : 011-2653 4291
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Website : www.rehabcouncil.nic.in

	<p>10. XII passed with any RCI recognized qualification of minimum one year duration and 6 months Certificate course in Education of Children with Special Needs</p> <p style="text-align: center;">or</p> <p>Any other equivalent qualification approved by RCI</p>
Secondary and Senior Secondary	<p>1. Graduate with B.Ed. (Special Education)</p> <p style="text-align: center;">or</p> <p>2. B.Ed. (General) with one year Diploma in Special Education</p> <p style="text-align: center;">or</p> <p>3. B.Ed. (General) with two years Diploma in Special Education</p> <p style="text-align: center;">or</p> <p>4. .B.Ed. (General) with Post Graduate Professional Diploma in Special Education (PGPD)</p> <p style="text-align: center;">or</p> <p>5. B.Ed.Special Education and Post Graduate Professional Certificate in Special Education (PGPC)</p> <p style="text-align: center;">or</p> <p>6. PG Diploma in Special Education (Mental Retardation)</p> <p style="text-align: center;">or</p> <p>7. PG Diploma in Special Education (Multiple Disability: Physical & Neurological)</p> <p style="text-align: center;">or</p> <p>8. PG Diploma in Special Education (Locomotor Impairment and Cerebral Palsy)</p> <p style="text-align: center;">or</p> <p>10. Secondary level Teacher Training Course in Visual Impairment</p> <p style="text-align: center;">or</p> <p>11. Senior Diploma in Teaching the Deaf</p> <p style="text-align: center;">or</p> <p>12. BA B.Ed. in Visual Impairment</p> <p style="text-align: center;">or</p> <p>Any other equivalent qualification approved by RCI</p>

NOTE:

1. Certificate course in Education of Children with Special Needs' run by CBR Network in affiliation with Bangalore University will be considered only up to five years from the date of issue of this order for consideration of qualification for Special Education Teacher.

2. Teachers with qualification/s in single disability area will be encouraged to under go cross disability courses for taking care of wide range of diversities in a general school.

14. D.Ed. (Special Education) and B.Ed. (Special Education) are the two levels of RCI approved Teacher qualifications in Special Education in seven disabilities. These are: **Autism Spectrum Disorder, Intellectual Disability, Learning Disability, Deaf-Blind, Visual Impairment, Hearing Impairment and Cerebral Palsy.** Hence, all the concerned respondents were advised that they should follow the provisions

prescribed by the concerned statutory authority, i.e. RCI and should take action to create the posts accordingly and appoint persons with prescribed qualifications on priority as it has a direct bearing on the right of children to education guaranteed by the Constitution of India, RTE and the RPwD Act. The relevant Recruitment Rules should also be amended by the concerned respondents without any further delay.

15. Before disposing of the complaint, it was considered appropriate to implead Member Secretary, RCI as one of the respondents (respondent No. 7) with the advice to submit comments on the complaint at least a week before the next date of hearing and also be present for the hearing with all the relevant information so that the complaint could be disposed of.

16. Respondents No. 1 to 6 were also directed to submit the following information vide para 6 of RoP dated 15.07.2019:

- (i) *Total number of sanctioned posts of Special Education teachers in the organisation. Out of them the number of posts of Special Education teachers with D.Ed./ Special Education qualification or other RCI approved qualifications for primary/upper primary level mentioned in RCI's letter dated 11.01.2012.*
- (ii) *The basis of determining the requirement of the teachers with D.Ed. Special Education etc. qualification and B.Ed. Special Education etc. qualification in a school.*
- (iii) *Extracts of relevant Recruitment Rules for the appointment of teachers at primary / upper primary level.*
- (iv) *Since each child with disability needs to be taught in an appropriate environment and by teachers with appropriate qualification as per his /her individual needs in every school*

(Govt. as well as Private), the strategy being adopted to ensure this be also indicated. In this regard action taken on the recommendations vide Para 12 of the Order dated 04.05.2018 in case No. 4/1738/2017-Wel/CD in the matter of Sh. Naveen Kumar Vs EDMC and Others regarding a cluster and resource pooling approach within reasonable geographical limits be also intimated well before the next date of hearing.

17. In response, **NDMC** submitted the details of sanctioned posts of Special Education Teachers as under:-

Sl. No.	Name of School	Number of School	Sanctioned Post
1.	Sr. Sec. School (including primary school)	13	13
2.	Secondary School with primary section	07	07
3.	Middle School with Primary Section	01	02
4.	Primary School	10	14
	Total	31	36

18. It was also submitted that no Special Education Teacher on regular basis has been appointed in NDMC schools. Instead, the guest teachers have been engaged in accordance with the Recruitment Rules of Govt. of NCT of Delhi. The proposed Recruitment Rules for the Special Education Teachers were also enclosed.

19. **EDMC** vide letter dated 19.08.2019 submitted that there were 356 schools and 11 aided schools, i.e. total 367 schools. In addition to 32 Special Education Teachers, EDMC had received dossiers of 92 Special Educators. Out of 92, appointment letters had been issued to 72 candidates and the appointment letters in respect of remaining 20 candidates were under process. As EDMC has less number of Special Educators as compared to the number of schools, the two zones under

EDMC had been directed to make cluster of 3-4 schools for each Special Educator to utilize their expertise to the children with special needs. As regards the Recruitment Rules, the same is dealt by the South DMC being the nodal agency for recruitment in respect of all the three DMCs. The EDMC enclosed the copy of the proposed Recruitment Rules for the post of Special Educator (Primary) in Municipal Corporation of Delhi to be notified by Urban Development Department.

20. **North DMC** vide submissions dated 19.08.2019 informed that the total number of sanctioned posts for Special Educator (Primary) is 700, i.e. one teacher in each school. Since North DMC is concerned with primary level education only, they have Special Educators for primary education only. The qualification for the posts of Special Educator (Primary) is 2 year diploma programme in Special Education recognized by RCI or any other equivalent programme approved by RCI and passed in CTET conducted by CBSE.

21. **DoE vide** letter dated 16.08.2019 submitted the following point-wise information as sought vide RoP dated 15.07.2019:

<i>Sl. No.</i>	<i>Information Sought</i>	<i>Response</i>
<i>(i)</i>	<i>Total number of sanctioned posts of Special Education Teachers in the organisation. Out of them the number of posts of Special Education Teachers with D.Ed. Special Education qualification or other RCI approved qualification for primary/upper primary level mentioned in RCI's letter dated 11.01.2012.</i>	<i>(a) No. of sanctioned posts of Special Education Teacher (PGT) – 301 (b) No. of sanctioned posts of Special Teacher (TGT) – 1757 At present there is no sanctioned post of Special Education Teachers (SETs) at primary level for which D.Ed. Special Education Teacher or other RCI approved qualification for primary level are required.</i>
<i>(ii)</i>	<i>The basis of determining the requirement of the teachers</i>	<i>The Hon'ble High Court of Delhi in QPC 6771/2008 has directed the</i>

	<i>with D.Ed. Special Education etc. qualification and B.Ed. Special Education etc. qualification in a school/organization.</i>	<i>Directorate of Education to create two posts of SETs in each school. Accordingly, at TGT level 1757 posts and at PGT level 301 posts of SETs are created. These posts are allocated based on the number of children with disabilities in the school.</i>
<i>(iii)</i>	<i>Extracts of relevant Recruitment Rules for the appointment of teachers at primary/ upper primary level.</i>	<i>At present there are no sanctioned posts of SETs at Primary level hence no RRs notified for the said post. However, the copy of RRs for the post of SET at TGT level is endorsed for your reference. The proposal for creation of posts at primary level SET is under submission in AR Department, GNCTD since 30.05.2019.</i>
<i>(iv)</i>	<i>Since each child with disability needs to be taught in an appropriate environment and by teachers with appropriate qualification as per his/her individual needs in every school (Govt. as well as Private), the strategy being adopted to ensure this be also indicated. In this regard action on the recommendation vide Para 12 of the order dated 04.05.2018 in case No. 4/1738/2017-Wel/CD in the matter of Sh. Naveen Kumar Vs. EDMC and Others regarding a cluster and resource pooling approach within reasonable geographical limits be also intimated will before the next of hearing.</i>	<i>At present DoE has 613 Regular and 504 Guest SETs at TGT level and they are trained in single disability area. However in last two academic years the Department has provided Cross Disability Training in batches of 30 SETs in additional three areas other than their own specialization to facilitate learning of children with various disabilities in the school level. <i>In addition to it, DoE is in the process of establishment of 31 Resource Centres across Delhi to meet the therapeutic needs of children with disabilities.</i></i>

22. On the next date of hearing on 19.08.2019, **DoE, North DMC and NDMC** filed their respective responses. Directorate of Education has decided to post two Special Education Teachers per school as per the direction of Hon'ble High Court of Delhi in WP(C) 6771/2008. Directorate of Education in response to point 6(iv) of R.O.P dated 15.06.2019 has submitted that the Special Education Teachers trained in single disability are being provided cross disability training in additional three areas. This way, each Special Education Teacher will acquire skills to facilitate four categories of children with disability.

23. On the other hand, the three DMCs follow a policy of one Special Education Teacher for each school and deploy them in the schools as per need of the children of a particular disability. EDMC plans to make clusters of 3-4 schools for each Special Education Teacher to utilise their expertise, as itinerant teachers. The itinerant method is not likely to be a successful experiment as that Special Education Teacher would neither have enough time for each child and mainstream teachers nor will she/he be able to cater to the needs of children who have different disabilities. So, unless the number of Special Education Teachers in different disabilities is adequate, quality education of children with different disabilities cannot be ensured by adopting any method.

24. Ms. Anuja Saxena, Legal Consultant who appeared on behalf of respondent No. 7 (**Member Secretary, RCI**) submitted that while she would file a written submission in due course, she expressed her strong objection to the DoE organizing cross disability training for the existing Special Education Teachers as the same would be against the norms of the Council and in violation of Section 13 of the RCI Act. She also suggested that NCTE should also be impleaded as one of respondents as the concerned authorities will follow the norms and notification of NCTE for appointment of teachers including Special Education Teachers.

25. **Chairman, NCTE** was impleaded as respondent No. 8 with the direction to submit why persons with D.Ed Special Education cannot be appointed to the posts of mainstream teachers at appropriate level as per their qualification and how NCTE proposed to address the issues concerning teaching of children with various disabilities beyond class V as according to Ms. Anuja Saxena, as per NCTE's notification Special Education Teachers are eligible for appointment as teachers to teach children of class I to V only.

26. Sh. Shamsuddin, who appeared on behalf of the complainant, submitted that there are no Special Education Teachers with D.Ed special education qualification in DoE to teach children. Three MCDs and Delhi Contentment Board are not having enough such teachers despite their best efforts. They should therefore, appoint Special Education Teachers on contract basis till appointments are made on regular basis. MCDs have 1100 vacant posts and DoE has 22,000 guest teachers. They should also appoint teachers with D.Ed (Special Education) qualification. However, Dr. Mukesh Chand, DDE (IEB), DoE stated that until the posts are created, persons with D.Ed (Special Education) cannot be appointed as guest teachers.

27. None of the respondents intimated any specific basis for determining/sanctioning the number of posts of Special Education Teachers as sought vide para 6(ii) of the ROP dated 15.07.2019 reproduced in para 16 of this order.

28. Respondents No. 1 to 6 who are mandated to provide inclusive education to children with disabilities, were therefore directed to provide information in clear terms in respect of Para 6(ii) of the ROP dated 15.07.2019. In case there were no guidelines or any basis, they should say so, so that the concerned authorities could be directed to do the needful.

29. All the respondents were also directed to comment and provide their views with regard to Para 6 (iv) of the ROP dated 15.07.2019 regarding their strategy to ensure that each child with disability is taught in an appropriate environment and by teachers with appropriate qualification as per his /her individual needs in every school (Govt. as well as Private). It is essential for real inclusion of children with disabilities in the mainstream schools and impart them quality education on equal basis with others as they are mandated in the Acts. Respondent No. 3, 5 and 7 were especially advised to ensure submission of their responses as the rules framed under the Act, require the State Commissioner to decide a complaint, as far as possible, within a period of 3 months from the date of receipt of notice by the opposite parties and they would otherwise contravene the provisions of Section 89 and Section 93 of the RPwD Act which provide for punishment for contravention and delay in submission of information respectively.

30. They were also directed to submit the information/ their complete written submissions along with supporting documents with a copy to the complainant well before (at least 5 days) the next date of hearing. Member Secretary, RCI (Respondent No. 7) was directed to supply a copy of his submission to respondent No. 1 also for framing uniform guidelines for schools in NCT of Delhi. Respondent No. 1 was advised either to personally attend the hearing or depute the subject matter expert officer(s) with relevant rules/information on the subject.

31. The complainant vide his letter dated 19.08.2019 submitted that RCI has approved disability specific diploma courses in Special Education and hence disability-wise recruitment of D.Ed Special Education qualified persons should be made in the posts of Special Educator (Primary). The complainant also submitted vide letter dated 18.09.2019 that in the 3 DMCs, about 1100 posts of Primary Teachers

were vacant. Wherever there are vacant posts, Special Educators on contract/guest should be appointed as step gap arrangement till the DSSSB completes recruitment process for regular appointment. There should be enough number of trained Special Educators to teach children with disabilities for ASD, CP, MR, HI, Deaf blind and visual impairment category children.

32. EDMC vide letter dated 18.09.2019 updated that EDMC has deficiency of 247 Special Educators after appointment of 88 newly recruited Special Educators. The requisition for Special Educators has been forwarded to DSSSB through South DMC so as to ensure one Special Educator per school.

33. On the date of hearing on 18.09.2019, the advocate on behalf of the Cantonment Board sought time to file the reply.

34. Smt. Mini Sharma, Addl. Director, **EDMC** filed the written submissions dated 18.09.2019 which was taken on record.

35. Smt. Anuja Saxena, Legal Consultant, RCI submitted a detailed reply on behalf of Member Secretary, **RCI** along with the copies for the complainant and all the other respondents.

36. The following primary and key issues remained unaddressed by any of the respondents:

(i) What should be the basis for creating the posts of Special Education Teachers at different levels namely i.e. Pre-school/ Nursery (For children in the age group 4-6 years); Primary and Upper Primary (For Classes I-VIII); Secondary/High School (For Classes IX-X) and Senior Secondary/Intermediate (For Classes XI-XII). **RCI** was once again advised to facilitate and suggest, preferably in consultation with RCI's concerned expert committee

members, the criteria for determining the category and number of Special Education Teachers at different levels before the next date of hearing. DoE and other respondents could also submit their suggestion.

(ii) The strategy for deployment of Special Education Teachers of different categories and at different levels as mentioned in sub para (i) above, so that the children with various disabilities get the services of Special Education Teachers in whichever school they may be as it was contended that it may not be possible to create such posts and appoint Special Education Teachers of different speciality in every school.

37. In light of the objection of the legal Consultant of RCI on earlier occasion, RCI was also advised to give its expert opinion about the cross disability training being provided by DoE to the teachers with Special Education qualification in single disability to acquire skills in additional 3 areas and also clarify whether such training and teaching of children by such Special Education Teachers, would be in violation of Section 13 of the RCI Act.

38. On 26.09.2019, it was observed that Chairman, National Council for Teacher Education (**NCTE**), respondent No. 8 who had also been impleaded, was yet to make his / her submissions. **RCI** had also not given its opinion.

39. The action taken report of Ministry of Human Resource Development, Govt. of India on the recommendations of this Court vide Order dated 09.04.2019 in case No. 514/1032/2018/09 in the matter of Mr. Ehsaan Khan Vs Principal, YMCA, relating to education of children with disabilities, especially those with Autism Spectrum Disorder, Intellectual Disability, Learning Disabilities, etc. in an appropriate set-up/

environment also does not mention about the criteria to determine the number of Special Education Teachers and any specific method for their deployment.

40. Inclusive education for children with special needs is one of the components of Samagra Shiksha. For its implementation, the resource support includes Special Educators / Teachers and Block Resource Persons. The success or otherwise of the Block Resource Centre (BRC) must be subjected to third party evaluation as even the best of the BRCs can help only those children with disabilities / parents who reside in close proximity of the BRC. So, it has resulted in inequitable distribution/ availability of resources though all children have equal right to benefit from such resources. Perpetuation of this kind of inequity needs to be stopped.

41. It was apparent that all the concerned respondents were guided by the Judgement dated 16.09.2009 of Hon'ble High Court of Delhi vide which DoE, GNCT of Delhi was directed to “....ensure that each school had at least two Special Teachers....”. Though the said direction was for DoE, the three DMCs who have only primary schools, are still trying to appoint one Special Education Teacher per school.

42. It will be appropriate to refer to the key provisions for education of children with disabilities in the RPwD Act, 2016. It may be noted that RPwD Act is the first legislation that has defined ‘Inclusive Education’ in Section 2 (m) which is reproduced below:

*“**inclusive education**” means a system of education wherein students with and without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities”*

43. Section 16, 17 and 31 of the RPwD Act which respectively deal with 'Duty of educational institutions', 'specific measures to promote and facilitate inclusive education' and 'free education for children with benchmark disabilities' are also reproduced below. It would also be relevant to mention here that these provisions being mandatory, all concerned authorities are duty bound to implement the said provisions:

“16. The appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall—

(i) admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others;

(ii) make building, campus and various facilities accessible;

(iii) provide reasonable accommodation according to the individual's requirements;

(iv) provide necessary support individualised or otherwise in environments that maximise academic and social development consistent with the goal of full inclusion;

(v) ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication;

(vi) detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them;

(vii) monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability;

(viii) provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.

17. *The appropriate Government and the local authorities shall take the following measures for the purpose of Section 16, namely:—*

(a) to conduct survey of school going children in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met:

Provided that the first survey shall be conducted within a period of two years from the date of commencement of this Act;

(b) to establish adequate number of teacher training institutions;

(c) to train and employ teachers, including teachers with disability who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disability;

(d) to train professionals and staff to support inclusive education at all levels of school education;

(e) to establish adequate number of resource centres to support educational institutions at all levels of school education;

(f) to promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's own speech to fulfill the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society;

(g) to provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years;

(h) to provide scholarships in appropriate cases to students with benchmark disability;

(i) to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses;

(j) to promote research to improve learning; and

(k) any other measures, as may be required.”

“31(1) Notwithstanding anything contained in the Rights of children to Free and Compulsory Education Act, 2009, every child with benchmark disability between the age of six to eighteen years shall have the right to free education in a neighbourhood school, or in a special school, of his choice.

(2) The appropriate Government and local authorities shall ensure that every child with benchmark disability has access to free education in an appropriate environment till he attains the age of eighteen years.”

44. Tardy implementation/non-implementation of the directions of Hon'ble High Court of Delhi and of the mandatory provision for inclusive education in the RPwD Act for children with various disabilities, especially those with severe and profound disabilities and those living away from the cities or in hilly tribal and remote areas on equal basis with others, are indicative of the huge gap between the need and matching efforts by the duty bearers in the key Ministries/ Statutory Authorities to

say the least. The mandatory provisions in the RPwD Act with penal provision for any contravention, should engage the attention of and effective action on priority by all concerned – **MHRD, DEPwD, RCI, NCTE at national level and DoE, 3 DMCs, NDMC and DCB in NCT of Delhi.** Else, it would amount to gross infringement of the rights of children with disabilities.

45. The concerned authorities should make needs assessment of Special Education Teachers at different levels based on proper criterion, ensure proper co-ordination between the two regulatory authorities, namely RCI and NCTE, often at logger heads, have the posts created and arrange to produce the required number of Special Education Teachers at different levels and also frame model guidelines for their deployment in mainstream and Special Schools. MHRD and DoE should also take concrete steps for implementation of the guidelines/ norms. A look at the notifications of NCTE with regard to the eligibility conditions for Teachers at various levels and the schemes for inclusion reflect ad-hoc and lop-sided approach for education of children with disabilities which clearly is the outcome of the charity approach being followed for decades. Now that the paradigm has shifted the entire approach to the rights based one with the backing of the legislation and having done that, there is no scope for leaving any child with disability behind and depriving him/ her of his/ her right to 'Inclusive Education' as defined in Section 2 (m) of the RPwD Act. This Court has been highlighting this need through a number of orders since March 2017. For Example vide Order dated 31.03.2017 in Case No. 4/1282/2016-Wel/CD in the matter of Sh. Deepak & Others Versus Bharatiya Vidya Bhavan's Mehta Vidyalaya and others, order dated 04.05.2018 in Case No.4/1738/2017-Wel/CD of Sh. Naveen Kr. (Akhil Delhi Prathmik Shiksha Sangh) Vs. Commr. EDMC & others; order dated 09.04.2019 in Case No. 514/1032/2018/09 in the matter of Mr. Ehsaan Khan Vs Principal, YMCA and order dated

18.12.2019 in case No. 1029/1032/2019/07 of Ms. Shailja Sharma Vs. The Principal, Air Force Golden Jubilee School & DoE; etc. Though a considerable amount of work has been done by DoE, a lot more needs to be done with much more speed to bring about systemic changes.

46. MHRD and Govt of NCT of Delhi should also examine the question whether it is advisable at all to give/shift the responsibility of running the schools to the Municipal Corporations. Logically and for the simple reason of domain expertise and also to ensure uniformity, why it should not be the responsibility of the Education Department.

47. I am conscious of the fact that the requirement of Special Educators and for that matter, every resource support for children with disabilities, is dynamic which may change from year to year and school to school. But there has to be a minimum number of Special Education Teachers at different levels and other resources below which the quality education of children with disabilities cannot be ensured in the same manner and for the reasons that it is done for mainstream teachers.

48. The last hearing in this case was held on 18.11.2019 with almost the same status and position taken by the respondents. The only guide as of now is the Hon'ble High Court of Delhi's directions to DoE, GNCT of Delhi to *ensure that each school shall have at least two Special Teachers*, which was before coming into force of RPwD Act, 2016 and the guidelines and norms of Deendayal Disabled Rehabilitation Scheme of Department of Empowerment for Persons with Disabilities, Government of India for Special Schools. As per the said norms, Special Schools should have trained teachers with teacher to beneficiary ratio of 1 : 8 for MR (children with intellectual disability) and 1 : 2 for children with multiple disabilities. In the face of this situation at various levels of school education system and the fact that despite lapse of more than six months, suggestions on the critical issues concerning the basis for

creation of posts of Special Education Teachers at various levels and the strategy and the manner of their deployment have not been forthcoming from the authorities responsible for it. The following eminent experts in the field were consulted:

- i) Dr. (Mrs). Uma Tuli, Padma Shri, Founder & Managing Secretary, Amar Jyoti Charitable Trust, Delhi and former Chief Commissioner for Persons with Disabilities;
- ii) Dr. Suresh Mukhopadhyaya, former Professor of NIEPA and Chairperson, RCI;
- iii) Dr. (Mrs.) Shayama Chona, Padma Bhushan and Padma Shri Founder-President of [Tamana Association](#) and Former Principal of Delhi Public School, RK Puram, New Delhi;
- iv) Prof. Veera Gupta, Deptt. of Capacity Building, NIEPA.
- v) Dr. Sara Varughese, Country Director, CBM India, an organization which has implemented inclusive education in different states of India and is also implementing it in Govt. schools in 5 North-East States in collaboration with other organizations.
- vi) Ms. Kavita Sharma, Founder Director, Prayas, Vice-President Autism Society of India and a parent of 24 year old boy with Autism from Madhya Pradesh;
- vii) Ms. Shailja Sharma, an Advocate and a parent of 14 year old boy with Autism;
- viii) Sh. Carmo Noronha, Executive Director Bethany Society, Shillong;

49. They have immensely contributed to promotion and implementation of inclusive education or have/ are raising their children with disabilities doing their best to provide appropriate education to their children with marked progress.

50. They were requested to give their suggestions on the following:

A. (i) *Has any appropriate authority / Govt. prescribed the basis for determining the number of Special Education Teachers with D.Ed Special Education and B.Ed Special Education in a mainstream school. If yes, the details thereof and the copy of the notification / order / instructions or source.*

(ii) *If not, what should be the basis / criteria for determining the number of Special Education Teachers and their specialisation in a mainstream school?*

(iii) *The Directorate of Education, NCT of Delhi and Corporations are presently being guided by the order of the Hon'ble High Court of Delhi of 2008 directing to appoint atleast two Special Educators in every school.*

B. *Once the number of Special Educators and their specialisation is determined, how should they be deployed to ensure that every child with any disability in any school gets the services of Special Education Teacher of the appropriate specialisation and the services of the Special Educators are also fully utilised. There are diverse views –*

(a) *Every school should have Special Educators in ASD, CP, Intellectual Disability, SLD, HI, VI and DB.*

(b) *If the children with a particular disability are not available in that school, Special Educators of that specialisation*

can either be deputed to other schools or they can teach the children without disability.

(c) As it will be difficult to make full utilisation of Special Education Teachers by posting them in a particular school, they should be kept in a resource pool and deployed as per need in different schools.

C. The successful practices being followed in different states.

51. After going through the comments/suggestions/opinions of the above experts, it was found that no guidelines have been framed and issued as to the number of Special Education Teachers needed at different levels in mainstream inclusive schools in the country. As per their opinion, number of Special Education Teachers should be based on the number of children of a particular disability and the Teacher - Pupil ratio would vary from disability to disability. Children with disabilities like ASD, Intellectual Disabilities, Deaf-Blind and Multiple disabilities will have to be taught in smaller groups. The experts have differing views on whether each school should have 7 Special Education Teachers in the above mentioned 7 different disabilities in which RCI has approved teacher training courses. Most of them felt that it would not be feasible to do so though children with different disabilities, especially those with **Autism Spectrum Disorder, Intellectual Disability, Learning Disability, Deaf-Blind, Visual Impairment, Hearing Impairment and Cerebral Palsy** need specialised training and skills to teach and handle them.

52. While some of the experts expressed apprehension about losing the focus in a cluster approach, which would adversely affect the quality of education to children with different disabilities. Some of them think that it is a practical approach in view of shortage of Special Education

Teachers. It will ensure services of Special Educators of appropriate specialities to more children. It will also ensure optimum utilisation of their services. Experts have opined that Special Education Teachers of different specialities should be available. They should also have a reasonable knowledge and understanding of handling multiple disability category children for which they should be trained. They were also very clear about the need for creation of the posts of Special Education Teachers with D.Ed at Primary & Middle level and B.Ed at Secondary and Senior Secondary level and proper recruitment rules for the posts. All of them indicated urgent need for training of mainstream teachers on teaching and handling of children with different disabilities.

53. While there is unanimity about each child being unique and need for individualised strategy to make him/her to learn, the amount of funds allocated is too small to cater to such needs in mainstream schools.

54. Based on my interaction with the experts, professionals, mainstream Teachers, Principals of private as well as Govt schools, parents trained on special education/ general education or those who have had no formal training on education and parents of first generation learners (**mostly the mothers**) in my capacity as Deputy Chief Commissioner for Persons with Disabilities, Govt for more than 12 years and as State Commissioner for Persons with Disabilities thereafter, I have observed that the parents face tremendous problems day in and day out in getting admission and retention of their children in the schools. They are often forced to withdraw due to lack of appropriate facilities especially trained teachers. In light of the progressive and forward looking RPwD Act, there can be no justification for any education provider in Government or in Private Sector for not being able to provide the required human and other resources for quality education of children with disabilities on equal basis with other children and with equity. There

is also need for consolidating and documenting the repository of knowledge and experience of experts, Special Education Teachers, the parents of children belonging to different strata of society and of mainstream teachers in the private and government schools. Currently, the consultation is limited to a very small group of people for a very long period of time. The young parents bring with them huge amount of experiential knowledge about the challenges during the transition period from integrated education under the Persons with Disabilities Act, 1995 to inclusive education in the Rights of Persons with Disabilities Act, 2016.

55. A block resource centre or a resource centre for a cluster of schools may be excellent in itself, but to access the facility, it is nearly impossible for most of those who reside far away from the resource centre and often happen to lack enough means. This approach must be implemented wisely keeping in view the condition of majority of children with disabilities who belong to poor sections of the society. I have learnt from the parents that the expenses to arrange various therapies, cost of shadow teacher, private special educator and tuition fee in private inclusive schools range between Rs.50,000/- and Rs. 60,000/- which is unaffordable for most parents. Such arrangements are not available in the Govt. Schools.

56. The regulatory authorities such as RCI, NCTE and NGOs that have done pioneering work in inclusive education, especially of children with severe/profound disabilities in the above mentioned seven categories and the parents, should be involved for developing model guidelines and the strategy to make best use of the resources. It is also important that the quality indicators of inclusive education should be prescribed.

57. Finally, before attempting to make my recommendations, I would also like to deal with the objection raised by the Legal Consultant on

behalf of **RCI** in para 24 to the DoE organizing cross disability training for the existing Special Education Teachers as the same is in violation of Section 13 of the RCI Act. Although I have already expressed my opinion on it in the order dated 24.12.2019 in case No. 807/1141/2019/03 in the matter of Ms. G. Hema Gowri Vs Sparsh Special School, yet I would prefer reiterating the same in the succeeding paragraphs.

58. Section 13 of RCI Act provides as under:-

“13. Rights of persons possessing qualifications included in the Schedule to be enrolled—

(1) Subject to the other provisions contained in this Act, any qualification included in the Schedule shall be sufficient qualification for enrolment on the Register.

(2) No person, other than the rehabilitation professional who possesses a recognised rehabilitation qualification and is enrolled on the Register,—

(a) shall hold office as rehabilitation professional or any such office (by whatever designation called) in Government or in any institution maintained by a local or other authority;

(b) shall practice as rehabilitation professional anywhere in India;

(c) shall be entitled to sign or authenticate any certificate required by any law to be signed or authenticated by a rehabilitation professional;

(d) shall be entitled to give any evidence in any court as an expert under section 45 of the Indian Evidence Act, 1872 (1 of 1872) on any matter relating to the handicapped:

Provided that if a person possesses the recognised rehabilitation professional qualifications on the date of commencement of this Act, he shall be deemed to be an

enrolled rehabilitation professional for a period of six months from such commencement, and if he has made an application for enrolment on the Register within said period of six months, till such application is disposed of.

(3) Any person who acts in contravention of any provision of sub-section (2) shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.”

59. Section 25 of the RCI Act provides as under:

“Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no court shall take cognizance of an offence punishable under this Act except upon a complaint, in writing, made by any person authorised in this behalf by the Council.”

60. In my considered view, RCI should examine feasibility of application of Section 13 (2) (b) and 13 (3) of the RCI Act in the context of practical situation obtaining on ground in the country, the provisions in the Right of Children to Free and Compulsory Education Act, 2009 as amended in 2012, Section 16 of the Rights of Persons with Disabilities Act, 2016 and the Schemes of the Govt. to provide inclusive education. All these legislations and schemes mandate that children with disabilities should be taught in the mainstream schools. Hence, the teachers not trained in special education or registered with RCI would also teach them. It is neither the intention of the legislation nor is it possible to ensure that every subject teacher who will necessarily have to teach children with disabilities along with other children, can be trained as a Special Education Teacher and enrolled in the Central Rehabilitation Register (CRC) of RCI. Therefore, every subject teacher need not be a RCI registered Special Education Teacher. It is, however, necessary for every teacher without exception to be oriented and trained on handling children with disabilities. It seems to me that the reference to

Rehabilitation Professionals in Section 13(2) should concern Rehabilitation Professionals like audiologist, speech therapist, clinical psychologist, orthotist, prosthetist, etc. and not teachers. The contention that no teacher without having rehabilitation qualification approved by RCI can teach a child with disability, cannot therefore be practicable and hence needs a relook.

61. As an immediate measure, Director, DoE; Commissioner, North DMC; Commissioner, SDMC; Commissioner, EDMC; Chairman, New Delhi Municipal Council and CEO, Cantonment Board should create at least two posts of Special Education Teachers per school with an appropriate mix of various specialisations at D.Ed and B. Ed level in accordance with RCI's letter dated 11.01.2012. In due course and within a reasonable period of time, it should be done based on the number of children with various disabilities. Some data in this regard is available in Census 2011 and the NSSO's Report of 2016. Earnest efforts must be made to fill the posts on Regular/Temporary/Guest on top priority well before the next academic year starts in April 2020. The appointing authorities should relax certain conditions such as upper age limit, CTET qualification, percentage of marks, etc. if necessary, particularly for reasons of non-availability of qualified Special Education Teachers. This was recommended by this Court way back in 2018 vide order dated 04.05.2018 in the matter of Sh. Naveen Kr. (Akhil Delhi Prathmik Shiksha Sangh) Vs. Commr. EDMC & Ors. It should also be ensured that uniform policy is followed by all concerned in NCT of Delhi and DoE should take the lead in fixing the norms keeping all factors in view.

62. After going through the submissions of the parties, the views of the experts and based on my interactions with the parents of children with disabilities and my experience while dealing with their complaints, the following recommendations are made:

- i) As an immediate measure, Director, DoE; Commissioner, North DMC; Commissioner, SDMC; Commissioner, EDMC; Chairman, New Delhi Municipal Council and CEO, Cantonment Board should create at least two posts of Special Education Teachers per school an appropriate mix of various specialisations.
- ii) Respondents no. 1 to 6 should make provision for appointment of Special Education Teachers in Autism Spectrum Disorder, Intellectual Disability, Learning Disability, Deaf-Blind, Visual Impairment, Hearing Impairment and Cerebral Palsy which are RCI approved Teacher Training Courses.
- iii) Since the number of students with different disabilities in schools is dynamic, provision of Special Education Teachers per school would not have any rationale to continue for long and hence will not be a reasonable criterion. The number of Special Education Teachers in a particular disability should be determined based on the generally accepted pupil teacher ratio of 1:8 for children with Cerebral Palsy, visual impairment and hearing impairment, 1:5 for children with intellectual disability, ASD and Specific learning disabilities; and 1:2 for Deaf-Blind and a combination of two or more of the seven disabilities mentioned above.
- iv) Respondent no.1 to 6 within one month of receipt of this order, should obtain the number of children with different disabilities in the schools under their respective jurisdictions and determine the number of Special Education Teachers required in different disciplines based on the criteria at (ii) above. They should also make an estimation of out of school children with disabilities, which was 28.07% for all India and 7.28% for Delhi as per National Sample Survey: Estimation of Out-of-School Children

in the Age 6-13: Social & Rural Research Institute & Technical Support Group for SSA, Ed CIL, 2014 and 54% of children with multiple disabilities (CwMDs) never attended an educational institution as per Census 2011.

- v) After determining the number of Special Educators for pre-primary level/primary level, upper primary level, secondary and Sr. Secondary level, respondents no. 1 to 6 should initiate action to create or convert the existing posts of general teachers into the required number of Special Education Teachers of the appropriate specialities at different levels including at primary level. The minimum requirement of RCI approved qualification should be as prescribed by RCI. This should be done within 3 months from the date of receipt of this order. It should be noted that there cannot be different criteria for the schools of DoE and that of the Corporations.
- vi) Respondents no. 1 to 6 should either set up resource centre in each school or for a cluster of closely located schools, not beyond a radius of 2-3 KMs where all teaching, learning material/resources including the Special Education Teachers of different speciality should be available for deployment in the schools as per need to ensure that every child with any disability is ensured quality education on equal basis with others. Equality as well as equity must be ensured.
- vii) The conditions of service and the Recruitment Rules for Special Education Teachers should also clearly prescribe that they may be required to teach not only children with disabilities but also children without disability in mainstream schools so that full utilization of their services is ensured. NCTE should issue necessary notification about their eligibility to teach children

without disabilities at appropriate level as per their qualification within three months from the date of receipt of this order. It should also be ensured that Special Education Teachers are treated at par with mainstream teachers in terms of service conditions such as pay, etc.

- viii) It is a matter of concern that NCTE (respondent no. 8) neither responded nor submitted any comments/advice with regard to the eligibility of Special Education Teachers at secondary/higher secondary level. NCTE should incorporate in the curriculum of teacher training programmes, mandatory papers on handling children with disabilities, basic sign language and Braille, if not already done, as otherwise children with disabilities will be deprived of their right to quality education on equal basis with other children which is a mandate of the Rights of Persons with Disabilities Act, 2016 as well as RTE Act, 2009 as amended in 2012.
- ix) All in-service mainstream teachers at all levels, i.e. Pre-Primary, Upper Primary, Secondary and Sr. Secondary Level must be exposed to the needs of children with different disabilities by mandatory training of a given duration. DoE should do it in consultation with RCI within three months from the date of receipt of this order and respondent No1 to 6 should plan the training of their respective mainstream teachers in a time bound manner and complete the training within a reasonable period of time.
- x) NCERT should include a compulsory module on teaching of children with disabilities in its online digital platform 'Swayam' for training of In-service teachers.

- xi) DoE, Govt. NCT of Delhi should develop guidelines for the inclusive education and inclusive schools in NCT of Delhi in Govt. as well as Private Schools in consultation with the experts in the field, the parents of children with disabilities belonging to different strata of the Society and put in place a robust mechanism to ensure its implementation by all concerned.
- xii) Ministry of HRD, Govt of India should also issue model guidelines and the quality indicators for inclusive education and inclusive schools for adoption /adaptation as per local conditions at the earliest.

63. This Court be informed of the action taken on the above recommendations within three months from the date of receipt of this order as required under Section 81 of the Act which is reproduced below:

“Whenever the State Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 80, that authority shall take necessary action on it, and inform the State Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the State Commissioner for Persons with Disabilities within the period of three months, and shall also inform the aggrieved person.”

64. The complaint is disposed of.

65. At the end, I must thank all those who contributed to the making of this order including the complainant, respondents, their representatives who attended the hearings and contributed in their respective ways, Sh. Shamsudin who assisted in providing relevant information and documents. The eminent experts whose names have been mentioned in

para 48 of this order, deserve a special thank and gratitude for their expert opinions that immensely helped in making the recommendations.

66. Given under my hand and the seal of the Court this 31st day of December, 2019.

(T.D. Dhariyal)
State Commissioner for Persons with Disabilities

Copy for information and necessary action to:-

1. Secretary, Department of School Education and Literacy, Govt. of India 124-C, Shastri Bhawan, New Delhi-110001. (Email: secy.sel@nic.in)
2. Secretary, Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, 5th Floor, Pt. Deendayal Antyodaya Bhawan, CGO Complex, Lodhi Road New Delhi – 110003. (Email: secretaryda-msje@nic.in)
3. Chief Secretary, Govt, of NCT of Delhi, Delhi Secretariat, I.P. Estate, Delhi Secretariat, New Delhi-110002.
4. Secretary, Department of Social Welfare, Govt. of NCT of Delhi, GLNS Complex, Delhi Gate, New Delhi-110002.