

(15)

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. 1310/1032/2019/12/ 8963 - 65 Dated: 20/12/2019

In the Matter of:

Ms. Renu Singhal Mother of Tanishka Singhal,  
R/o 1/7458-B, Gali No.15,  
East Gorakh Park,  
Shahdara, Delhi-110032

Vs.


.....Petitioner

The Principal,  
Happy English School,  
Sharad Vihar,  
Delhi- 110092  
E-mail ID: hessharadvihar@gmail.com

.....Respondent

### ORDER

A complaint dated 22/11/2019 of Ms. Renu Singhal, Mother of Tanishka Singhal, a person with 50% Intellectual disability regarding use of inappropriate expressions for her daughter by the school functionaries, harassment of the parents because of the disability of Ms. Tanishka Singhal and charging fees from the parents though the child was admitted under DG category, was taken up with the Happy English School, Sharad Vihar, Karkardooma, Delhi vide letter dated 04/12/2019. A reply dated 10/12/2019 has also been received from the Principal, Happy English School, Sharad Vihar, Karkardooma, Delhi in her defence. However the reply doesn't mention anything about charging of

fee.   
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2. The issues being faced by parents of children with disabilities particularly those with ASD, Intellectual Disability, Learning disability etc, in private schools in NCT of Delhi which are more or less similar, have been dealt in various other Suo-motu or otherwise complaints filed by the parents. Recently an order dated 18/12/2019 in Case No. 1029/1032/2019/07 in the matter of Ms. Shailja Sharma Vs. Principal, Air Force Golden Jubilee School and Director, Directorate of Education has been passed and recommendations have been made.

3. In order to provide quick relief to the complainant and the child, I consider it expedient to recommend that Director of Education, Govt. of NCT of Delhi should look into the matter and issue necessary directions to the school as already recommended vide Para-21 (vii) of the above mentioned order dated 18/12/2019. Para-21 of that order is reproduced below:


*"Para-21 In the light of the above discussion, the following recommendations are made:*

- (i) Respondent No.1 should ensure teaching of children with disabilities in an inclusive set up as envisaged in the Rights of Persons with Disabilities Act, 2016 and the orders issued by respondent No.2 and ensure adequate human and other resources on equal basis with other children. This means there should be no differentiation in provisioning of resources/teachers including for teaching of computer, sports, music and arts between the children of mainstream and Special Wing. The mainstream teachers should be trained and oriented towards the needs of children with disabilities in a time bound manner.

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oriented towards the needs of children with disabilities in a time bound manner.

- (ii) Respondent No.1 should initiate the process of converting the Special Wing into a resource room/resource centre and gradually include children with disabilities in the mainstream wing.
- (iii) IEP and the goals for each child should be fixed and reviewed from time to time as required by respondent No.2.
- (iv) It should be ensured that children with disabilities including Master Satvik are given equal opportunity not only for learning in the academics but also for extra-circular activities.
- (v) Respondent No.1 should also examine and intimate the decision about developing the school as a model inclusive school for replication.
- (vi) In the light of inadequate awareness and understanding of the system of inclusive education, Directorate of Education should take steps to mandate every Principal, Head of School and the key functionaries of the management to be trained on the provisions for inclusive education in the Rights of Persons with Disabilities Act, 2016 and Right to Education Act, 2019 as amended in 2012 and the orders issued by Directorate of Education and CBSE etc. from time to time.
- (vii) Directorate of Education may either issue separate guidelines for Private Unaided Recognized Schools of Delhi as issued for the Govt. Schools of Directorate of Education vide order dated 28.08.2019 or direct the

  
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4. Additionally if, Ms. Tanishka Singhal is entitled to exemption of fee, appropriate direction in this regard be also issued to the school and the same be ensured. As it is also very often observed that the parents are scared of adverse action by the school functionaries due to their complaint, Director, Education may also advise the school to assure the parents against any prejudice and create a congenial and friendly environment for the parents and their children with disabilities in the school. A copy of the complaint dated 22/11/2019 of the respondent and the reply dated 10/12/2019 along with its enclosures are enclosed for Director, Education.

5. The complaint is disposed of accordingly.

6. Given under my hand and the seal of the Court this 19<sup>th</sup> day of December 2019.

Encls: As above



**State Commissioner for Persons with Disabilities**

*(Signature)*  
**(T.D. Dhariyal)**

Court of Sessions (1st Floor, 5th Floor)  
National Capital Territory of Delhi  
P.O. No. - 1  
25-D, Mota Bunder Road, New Delhi-02

Copy to:

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

: For immediate action on the  
recommendations in the order.